

A  
**CONFERENCE**  
About the Next  
**SUCCESSION**  
TO THE  
**Crown of England:**

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Divided into Two Parts.

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**The First containeth**  
The Discourse of a Civil Lawyer ; how, and in what  
manner Propinquity of Blood is to be preferred.

**The Second containeth**  
The Speech of a Temporal Lawyer, about the particular  
Titles of all such as do, or may pretend (within  
*England* or without) to the next Succession.

Whereunto is also added,  
A New and Perfect Arbor and Genealogy of the Descents of all  
the Kings and Princes of *England*, from the Conquest unto  
this day; whereby each mans Pretence is made more plain,

Dedicated to the Right Honourable the Earl of *Essex*,  
one of Her Majesties Privy-Council, and of the  
Noble Order of the Garter.

[Robert Parsons]

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*The sum of both Parts more in particular.*

**T**HE first declareth, by many Proofs and Arguments, That the next Propinquity or Ancestry of Bloud alone, though it were certainly known, yet it is not sufficient to be admitted to a Crown, without other Conditions and Circumstances requisite be found also in the person pretendent.

**T**HE second examineth the Titles and Pretensions of all such as may have Claim or Action to the Crown of *England* at this day; what may be said for them, and what against them. And in the end, though he leave the matter extreme doubtful, as touching the best right, yet he giveth certain Conjectures about some persons that are likest to prevail.

Alfred Powell Apr. 4 1714

To the Right Right Honourable the Earl of  
Essex, one of Her Majesties Privy Council.

**T**Wo principal Causes among others, (Right Honourable,) are wont to invite men to dedicate any Book or Treatise to a Person in Authority; The one, Private Duty and Obligation, the other, Publick Utility, in respect that the Matter may concern that Person for the Common Good. And to confess the truth, both of these jointly have moved me at this time to present unto your Honour, above others, the two Books ensuing, which contain a Conference had in *Holland* not long since, about the Pretences and Pretenders to the Crown of *England*, as your Honour shall perceive by the Preface of each Book, and therefore hereof I shall need say no more, but only declare the aforesaid two Causes of this Dedication.

*First* then I say, that my particular obligation towards your Honours Person, riseth partly of good Turns and Benefits received by some Friends of mine at your Lordships hands, in your last Voyage and Exploits in *France*, but principally of far greater Favours receiv'd from your Noble Ancestors, I mean not only your Father whose untimely death was to *England* no small Wound, but of your Grand-father also, that worthy Knight, Sir *Walter Deverux*, who though he lived not to come to those Titles of Honour, whereunto he was born; yet left he behind him so rare a memory for his excellent Parts of Learning, Wit, Feature of Body, Courtesy, and other such Noble Commendations, as none in *England* perhaps the like in our time, wherein also hath lived your Honours Great Grandfather, Sir *Henry Deverux Visconde Ferys* well remembered yet by divers of my said Friends obliged unto him as also recorded by our *English* Histories, as well for his Merits and Worthiness, as in like manner for his Match with the Heir of the most Famous and Noble House of the

*Bourchers* Earls of *Essex*, whereof also your Honour is known to be descended, and to hold at this day, as well their Nobility of Blood, as Dignity of Title, and this shall serve in this place for my particular obligation, whereof perhaps hereafter upon other occasion I may give further relation and testimony to the World, in token of my Gratitude.

But for the second Point of *Publick Utility*, I thought no man more fit than your Honour to dedicate these two Books unto, which treat of the Succession to the Crown of *England*, for that no man is in more high and eminent Place or Dignity at this day in our Realm, than your self, whether we respect your Nobility, or Calling, or Favour with your Prince, or high Liking of the People, and consequently no man like to have a greater part or sway in deciding of this great Affair, (when time shall come for that determination,) then your Honour, and those that will assist you, and are likest to follow your Fame and Fortune:

And for that it is not convenient for your Honour to be unskilful in a matter which concerneth your Person and the whole Realm, so much as this doth, and finding this Conference had by two Learned Lawyers, to handle the Question very pithily and exactly, and yet with much Modesty, and without offence of any, and with particular affection and devotion to Her Majesty, and with special care of Her Safety: I thought not expedient to let it lie unpublished, as also judged that no Hands were fitter to receive the same, nor any Protection more secure or plausible, than that of your Honour, whom God long preserve in all true Honour and Felicity to the Comfort of Your Lordships Faithful Servants and Clients, and to the Publick Benefit of your Countrey: From my Chamber in *Amsterdam* this last of *December*, 1593.

Your Honours most Affectionate

R. DOLEMAN.

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The

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The

The Preface, containing the occasion  
of this, Treatise with the subject,  
purpose, and parts thereof.

**T**Here chanced not long ago (I mean in  
the months of April and May of this  
last year 93.) to meet in Amsterdam  
in Holland, certain Gentlemen of divers Na-  
tions, qualities and affections, as well in Reli-  
gion as otherwise: (yet the most part English  
and Irish) and they had been in divers Coun-  
tries, studied different Arts, and followed unlike  
professions: some of Souldiers, some of Lawyers  
both Temporal and Civil, others of meer travel-  
lers to learn experience and policy: And for that  
the advice which daily came from England at  
that time, (the Parliament being then in hand)  
gave occasion to discourse of English affairs, they  
fell into divers points concerning the same: but  
yet none was treated so largely or so seriously, as  
was the matter of succession and competitors to the  
Crown, for that it was presumed a great while,  
that some thing would be determined thereof in  
that Parliament, though one or two of the wisest  
of that company, held ever the contrary opinion.  
But when at length news was brought, that no-  
thing at all had been done therein, but rather  
that one or two (as was reported) had been check-  
ed or committed for speaking in the same: then  
came it in question among the Gentlemen, what  
Occasions  
of meeting  
The mat-  
ter of Suc-  
cession dis-  
cussed.  
Mr. Brom-  
ly. Mr.  
W. n. worth  
shou!d

## The Preface and Occasion.

*should be the cause of such proceeding in a matter so weighty and so necessary for all English men to know?*

Two Law-  
yers.

*But two Gentlemen Lawyers of the company, one of the common Law, and the other a Civilian, alledged so many reasons for justifying the Queens Majesties doings in this behalf, as all did seem satisfied: for that it was made plain, that it could not stand with the safety either of Her Majesty, or of the Realm, or of the party himself who should be preferred, that any declaration of Heir apparent should be made, during the life of Her Majesty that now is, how dangerous soever the delay thereof may be esteemed for the time to come.*

*And so the end of this Speech brought in presently the beginning of another, to wit, what were like to be these dangers, and who might be likest of the pretenders to prevail after Her Majesty; about which matter, there was much discoursed by divers Parties, but the conclusion of all was, that both these points remained very doubtful, but much more the second, who should prevail, of the competitors, which they said, did make the former point less doubtful of the multitude of dangers, that thereby did hang over the Commonwealth of England, though it wanted not doubt also in particular, what and where they should fall, for (said they) wheresoever many pretenders of the bloud Royal are known to be competitors to a Crown, there cannot chuse but many perils also must be imminent to the Realm.*

To

## The Preface and Occasion.

To this, one of the company said, that he did not see how there could be either so many pretenders to the Crown as the day before had been spoken of in that place (for the Common Lawyer before named newly come out of England, had told them that he had heard of some 9. or 10. or more Plots that were debated within the Realm, for so many pretenders) or if there were any such great number descended of the Bloud Royal, yet their titles could not be so doubtful, seeing it was an easie matter to discern, who was next in discent of bloud, and who not.

Many pretenders to the Crown of England:

Not so easie, quoth this Gentleman Lawyer, for that although it cannot be denied, but that there is among all such as may pretend at this day, a certain known order and degree of nearness in bloud to some King or Queen that hath possessed the Crown before them: and in this discent it is known also commonly, who descendeth of the elder house, and who of the younger, and other such like vulgar circumstances: yet notwithstanding, for that there be many other points considerable in this affair, as the right of the first stock, whereof each part doth spring, the disabling of the same stock afterwards by attainders or otherwise: the Bastardies or other particular impediments that may have fallen upon each discent or branch thereof: all these things (said he) may alter the course of common supposed right, in him or her, that is taken to be next in bloud, as proving them not to be truly and lawfully the nearest, though they be the next in degree.

Succession doubtful and why.

As



## The Preface and Occasion.

Three or  
four prin-  
cipal heads  
of preten-  
dors.

1.  
Lancaster.

*As for example (said he) the whole multitude of competitors or pretendors which I conceive may come in consideration, or have action or claim to the Crown after her Majesty that now is, may be reduced to three or four first heads or principal stocks, to wit, to the House of Lancaster, a part, as descended of John of Gant Duke of Lancaster by his first Wife Blanch, sole Heir of the Dutcheffs of Lancaster. And of this branch or stock the most known off-spring in these our days are those Princes that are lineally descended of Don Juan the first surnamed de bona memoria, tenth King of Portugal, who married with Philippa the eldest Daughter of the said John of Gant by his first Wife Blanch: and these Princes are King Philip of Spain now King also of Portugal, and the Duke of Parma and Braganza, who descended of the same race, as also the Duke of Savoy on degree after them.*

2.  
York.

*The second stock is of the house of York a part, descended of George the Duke of Clarence second Brother to King Edward the fourth, who being put to death by the Kings order in Calles; left a daughter by whom were descended the Earl of Huntington with his Brothers, which also have children, and the off-spring of Geffry Pole and Sir Thomas Barrington who married the other Sister of her that was married to the Hastings.*

3.  
The two  
houses joy-  
ned.

*The third stock was in King Henry the seventh, who being himself of the house of Lancaster and marrying the eldest daughter of Edward the fourth of the house of York, is presumed*

## The Preface and Occasion

med to have joyned these two houses together, and from this man by his two daughters (for of his Son who was King Henry the eighth there remaineth only the Queen that now is) there hath proceeded the house of Scotland divided into the families of the King of Scots and Arabella, as also the Progeny of the two Earls yet living of Hartford and Darby. Unto these three heads, which are commonly known to all men, some of our days do add also a fourth, which may seem more ancient then either of these three, to wit by the Duke of Britany, who are descended divers ways of the bloud royal of England as may easily be declared, whose Heir at this day by lineal descent is the Infanta of Spain named Dona Isabella Clara Eugenia daughter to King Philip. So that hereby we come to discover, no less then ten or eleven families that may pretend, and have all of them friends in England, and else where (as yesterday I told you) who do not fail in secret to negotiate and lay plots for them, for that there are none of these, so far off, but to their friends it seemeth (the times standing as they do) that reasons may be given for their preferment, and good hope conceived of prevailing.

You do well to add (said a Captain there present) the times standing as they do, or at leastwise as they are like to stand, when this matter must come to tryal, at what time, I believe, not you Lawyers, but we Souldiers must determine this title, and then (no doubt) if there were not only these ten by you named, but twenty more also of the Bloud Royal, that would pretend, and had friends

Circumstances of the time present.

## The Preface and Occasion.

friends and money to stand by them, we should admit their causes to examination, and perhaps give sentence for him, that by your laws would sooneſt be excluded, for when matters come to ſnatching, it is hard to ſay who ſhall have the better part.

I do not add this circumſtance of the time (ſaid the Lawyer) as though it were the only or principal point which maketh doubtful the matter of Succeſſion, though I confeſs that helpeth therunto greatly, in reſpect of the great variety of mans affections at this day in Religion, which do decline them commonly to judge for him whom they beſt love: but beſides this, I do ſay, that were the times never ſo quiet, and Religion never ſo uniform, yet are there great doubts in many mens heads, about the lawfulness of divers Petitions of the Families before-named; but if you add unto this, the ſaid wonderful diverſity in matters of Religion alſo, which this time yieldeth: you ſhall find the event much more doubtful; and conſequently it is no marvel though many may remain in hope to prevail, ſeeing that where many are admitted to ſtand for a preferment, there divers may have propability alſo of ſpeeding.

The Roman  
Conclave.

An example you may take (ſaid the Civilian Lawyer) in the Roman Conclave, at the Popes election, where, among three or four ſcore Cardinals that enter in for Electors, few there are that have not hope alſo to be elected; not for that they ſee themſelves, all well qualified as others, but becauſe often times, when divers that are more  
for-

## The Preface and Occasion.

forward, by likelyhood cannot be agreed upon: it falleth to the lot of him that is farthest off, and so it may among your pretenders (quoth he) in England.

Your example (said the Temporal Lawyer) confirmeth somewhat of that I mean, though it be not altogether in like matter, or manner, for that the Pope is made by Election, and here we talk of a King by Succession. Succession includeth also some kind of election.

Your Succession, said the Civilian, includeth also an Election or approbation of the commonwealth, and so doth the succession of all Kings in Christendom besides, as well appeareth by the manner of their new admision at their Coronations, where the people are demanded again, if they be content to accept such a man for their King: though his title of nearness by blood be never so clear. And therefore much more it is like to be in this case of English pretenders now, where their lawful nearness in blood is so doubtful, as you have signified; and so I do come to confirm your former proposition, of the doubtfulness of the next Successor in England, with another reason besides that which you have alledged of the ambiguity of their true propinquity in blood: for I say further, that albeit the nearness of each mans succession in blood, were evidently known, yet were it very uncertain (as things now stand in England and in the rest of Christendom round about) who should prevail, for that it is not enough for a man to be next only in blood, thereby to pretend a Crown, but that other circumstances also must concur; which if they want, the bare pro-

Of this more afterwards.  
Cap. 4. §.

## The Preface and Occasion.

Nearness  
only in  
blood not  
sufficient,

*propinquity or ancestry of blood may justly be rejected, and he that is second, third, fourth, fifth or last, may lawfully be preferred before the first, and this by all Law both divine and human, and by all reason, conscience, and custom of all Christian Nations,*

*To this said the temporal Lawyer, you go further (Sir) then I had meant to do or did conceive of the matter, for my meaning only was to shew how many pretenders there be to the English Crown at this day, and how doubtful the pretenders of divers of the chief of them be, in respect of the many exclusions, stops and heats that their adversaries or fellow competitors do lay against them: and now you do add further, that albeit these stops were taken away, and their propinquity in blood were manifest, yet for other considerations the course of the next succession by birth may be justly altered, upon such considerations as you insinuate, that the English may have in the admission of their next King or Queen; after her Majesty that now is, which indeed (if it be true) maketh the matter of succession much more doubtful, then I pretended, which I confess I have not so much studied or thought of, for that our common law goeth no further ordinary, then to the next Successor in blood, to consider whether he be lawfully descended or no, thereby to give him the Crown.*

More to be  
considered  
besides  
succession  
in the pre-  
tenders.

*I confess (said the Civilian) that ordinary neither your law, nor ours doth go any further, especially in those Realms where the government goeth by succession of blood, which I think to be*  
the

## The Preface and Occasion.

best of all other ways; but yet there may hapen out such extraordinary cases sometimes, against this ordinary rule, as your common law must needs take also consideration of them, except it will be contrary to all other law and reason, both divine and humane; as for example, if it should fall out, that the next in blood should be a natural fool or a mad-man: if he should be taken by Turks or Moors in his infancy and brought up in their religion, and would maintain the same in your Country, with all his forces, and other like urgent cases, wherein it is not probable, but that your common law must needs have further consideration, then of the bare propinquity of blood only, for that otherwise it should be a very imperfect law, that hath not provided for accidents so weighty and important, as these are, for saving and conserving of your commonwealth.

At this speech, the residue of the company began to smile, to see the two Lawyers grow into some heat and comparison of their professions. But yet for that both their asseverations, did tend to prove one thing, which was the first proposition set down, to wit, that the next successor of England must needs be very doubtful: they requested them both with very great instance, that each one would be content to prove his assertion a part, to wit, the temporal Lawyer to shew that the titles and pretensions of all those ten or eleven families of the English blood Royal, which remain at this day, are ambiguous and doubtful, according to the common laws of Eng.

Two principal points handled in this book

## The Preface and Occasion.

England: and the Civilian to declare that albeit their titles by succession were clear, yet that as things stand now in that Realm, and other Countries near adjoyning, there may be a great doubt which of them shall prevail.

Two parts  
of this con-  
ference.

This I say, was the request of the whole company, and the Lawyers were content to take it upon them, and according to these two points it was agreed that the whole speech or conference, should be divided into two parts, and the Civil Lawyer, should begin first, for that it seemed, that his assertion, being well declared and proved, would give much light to the other; and so he promised to do, and to be as brief, clear and perspicuous as he might, and to reduce all that he would say to certain principal heads and chapters, thereby the better to be understood and remembered; and so he began in manner and form following.

THIS CHART WILL BE THE FIRST CHART  
APPEARING AT THE END OF THIS FILM





# C A P. I.

*That Succession to Government by nearness of Blood, is not by Law of Nature and Divine, but only by Humane and Positive Laws of every particular Common-wealth, and consequently may upon just causes be altered by the same.*



He examples before alledged, (said the Civil Lawyer) of a Mad or Furious Heir apparent, or of one that were by Education a Turk or Moor in Religion, or by nature deprived of his Wit, or senses, do plainly prove that propinquity of Birth or Blood alone; without other circumstances, is not sufficient to be preferred to a Crown: for that no Reason or Law, Religion or Wisdom in the World, can admit such persons to the Government of a Common-wealth, by whom no good, but destruction may be expected to the same; seeing that Government was ordained for the benefit of the weal-publick; and not otherwise.

And albeit some one or two in these our days have affirmed the contrary, and publisht the same in Writing for the defence, flattery, or advancement of some Prince whom they favour; affirming that even a Fool, Mad or Furious man, or otherwise so wicked as he would endeavour to destroy the Common-wealth, were to be admitted to the Seat-Royal, without further consideration; if he be next in Blood: Yet this is so manifestly against all reason, and Conscience, and against the first end and purpose of Institution of Commonwealths;

Bellay  
apollog.  
pro reg.  
cap. 20.

B

and

## A Conference touching Succession

and Magistrates, as it shall not need to be refused in this place, albeit afterwards there will not want place and commodity for the same.

*Not only  
Succession  
sufficient.*

Hereof it doth ensue, that some other conditions also must needs be requisite, for coming to Government by Succession, besides the only propinquity or priority in Blood, and that these conditions must be assigned and limited out by some higher authority then is that of the Prince himself, who is bound and limited thereby, and yet it seems evident they are not prescribed by any Law of Nature or Divine, for that then they should be both immutable, and the self-same in all Countries; (as God and Nature are one, and the same to all, without change,) where notwithstanding we see, that these conditions and circumstances of succeeding by Birth, are diverse or different in different Countries; as also they are subject to changes according to the diversity of Kingdoms, Realms, and People, as after shall be shewed more in particular, whereby we are forced to conclude that every particular Countrey and Commonwealth hath prescribed these conditions to it self, and hath authority to do the same.

*That no  
particular  
form of Go-  
vernment  
is of Na-  
ture.*

For better proof whereof, it is first of all to be supposed, that albeit sociability or inclination to live together in company, Man with Man, (whereof ensueth both City and Common-wealth, as Aristotle gathers in his first Book of Politiques) be of nature, and consequently also of God, that is author of nature: Though Government in like manner, and Jurisdiction of Magistrates, which doth follow necessarily upon this living together in company; be also of nature, yet the particular form or manner of this or that Government, in this or that fashion, as to have many Governours, few, or one; and these either Kings, Dukes, Earls, or the like: Or that they should have this or that Authority,  
more

more or less, for longer or shorter time, or be taken by Succession or Election, themselves and their Children, or next in Blood; All these things (I say) are not by Law either Natural or Divine, (for then as hath been said, they should be all one in all Countries and Nations, seeing God and Nature is one to all) but they are ordained by particular positive Laws of every Country, as afterwards more largely shall be proved.

But now that Sociability in mankind, or inclination to live in company, is by Nature, and consequently ordained by God, for the common benefit of all, is an easie thing to prove; seeing that all ground of Realms and Common-wealths dependeth of this point, as of their first Principle, for that a Common-wealth is nothing else but the good Government, of a multitude gathered together, to live in one; And therefore all Old philosophers, Law-makers, and Wise men, that have treated of Government or Common-wealths; as *Plato* in his ten most Excellent Books, which he wrote of this matter, Intituling them, *Of the Common-wealth*, and *Marcus Cicero* that Famous Councillor in other six Books that he Writ of the same matter, under the same Title. And *Aristotle*, that perhaps excelleth them both, in eight Books which he called his Politiques; all these I say do make their entrance to treat of the Commonwealth Affairs, from this first principle, to wit, *That man by Nature is Sociable, and inclined to live in Company*; Whereof do proceed, first, all Private Houses, then Villages, then Towns, then Cities, then Kingdoms and Common-wealths.

*To live in Company, is Natural to man, and the ground of all Common-Wealths.*

*Plato de repub. Cicero de repub. Aristotle polit.*

This ground and Principle then do they prove by divers evident reasons; as first, for that in all Nations, never so wild or barbarous, we see by experience, that by one way or other, they endeavour to live together, either in Cities, Towns, Villages, Caves,

*Divers Praefes.*

*1. Inclination universal.*

Pompon.  
Mela. lib.  
3. cap. 3, 4.  
Tacit. l. 8.

Caves, Woods, Tents, or other like manner, according to the custom of each Country, which universal instinct could never be in all, but by impression of Nature it self.

2.  
*Speech*  
Aristot. l. 1.  
1. pol. c. 1.  
2. 3. 4.

Secondly, They prove the same, by that the use of Speech is given to man for this end and purpose; for that little available were this priviledge of Speaking, if men should live alone and converse with none.

3.  
*Imbecility of man.*  
Theoph.  
lib. de  
Plaut. Plu-  
tarch. con-  
de fortuna,  
& lib. de  
pietatem  
in parent.

Thirdly, Not only *Aristotle*, but *Theophrastus*, also *Plutarch*, and others do confirm the same, by the poor estate and condition, wherein man is born, more infirm then any other creature, though by Creation he be Lord and Governour of all the rest; for whereas each other Creature is born in a certain sort Armed and Defended in it self, as the Bull with his Horns, the Bore with his Tusks, the Bear and WoOLF with their Teeth, the Bird with her Feathers against the Cold, and with her Wings to fly away, the Hart and Hare with their Swiftness, and the like; only man is born Feeble and Naked, and not able to provide and defend himself in many years, but only by the help of others, which is a token that he is born to live in Company and to be holpen by others, and this not only for his necessity and help at his Beginning whilst he is in his Imbecility, but also for his more Commodious living in the rest of his days afterwards, seeing no man of himself is sufficient for himself, and he that liveth alone can have no benefit of others, or do any to others; wherefore wittily said *Aristotle* in the second Chapter of his Book of Politiques, *That he which lieth to live in Society, is either, Deus aut Bellua, a God or a Beast*; for that either he doth it because he hath no need of any which is proper to God, or else for that he will do good to none, and seeleth not that Natural Instinct, which man hath to live in Conversation, which is a sign rather of a beast then of a man.

*Note this saying of Aristotle.*

*Cicero*

Cicero doth add another reason for this purpose, to wit, the use of certain principal vertues given unto man, but principally Justice and Friendship, which should be utterly in vain, and to no utility, if man should not live in company of others, for seeing the office of Justice is to distribute to every one his own; where no number is, there no distribution can be used, as also neither any act of Friendship, which yet in the Society of man is so necessary and usual, (says this excellent man,) *Ut nec aqua, nec ignis, nec ipso sole pluribus in locis utamur, quam amicitia*, that we use neither Water, nor Fire, nor the Sun it self in more places or occasions then Friendship.

4 The use of Justice and Friendship.

Cicero lib. de amicitia.

And to this effect, of using Friendship, Love and Charity the one towards the other, do Christian Doctors also, and especially St. Augustine in his Book of Friendship, reduce the institution of this natural instinct of living in Company; which seemeth also to be confirmed by God himself in those words of Genesis, *Dixit quoque Dominus Deus: non est bonum hominem esse solum, faciamus ei adiutorem, simile sibi*. God said, it is not good that man should be alone, let us make unto him, a help or assistant like unto himself, of which words is deduced that as this first society of our first Parents, was of God, and for so great purpose as here is set down, the one to be holpen by the other: So all other Societies in like manner which grow of this first, stand upon the same ground of Gods ordination for the self same end of mans utility.

The use of charity and helping one another. August. lib. de amicitia.

Gen. 2. v. 18.

And I have been the longer in speaking of this natural instinct to Society, for that it is the first fountain of all the rest, that ensueth in a common-wealth: as hath been said: For of this come Families, Villages, Towns, Castles, Cities, and Common-wealths, all which Aristotle in his Books before-named, doth prove to be of nature; for that

## A Conference touching Succession

this first inclination to live together, (whereof all those other things do spring,) is of nature, as hath been declared.

That Government  
and Jurisdiction of  
Magistrates is  
also of Nature.

1.  
Necessity.  
Job. 10. v.  
22.

Out of this, is the second point before mentioned deduced, to wit, that Government also, Superiority, and Jurisdiction of Magistrates, is likewise of nature, for that it followeth the former; and seeing that it is impossible for men to live together with help and commodity of the one, to the other, except there be some Magistrate or other to keep order among them, without which order there is nothing else to be hoped, for as *Job* sayeth, *But Horror and Confusion*, as for example; whereforever a multitude is gathered together, if there be not some to repress the insolent, to assist the impotent, reward the vertuous, chasten the outrageous, and minister some kind of Justice and Equality unto the Inhabitants: Their living together would be far more hurtful, then their living asunder; for that one would consume and devour the other; and so we see, that upon living together followeth of necessity some kind of Jurisdiction in Magistrates, and for that the former is of nature, the other also is of nature:

2.  
Consent of  
Nations.  
Cicero li.  
1. de natura  
Deorum.

All which is confirmed also by the consent and use of all Nations throughout the world, which general consent, *Cicero* calleth, *ipsius vocem natura*, the voice of nature her self: for there was never yet Nation found either of ancient time, or now in our days, by discovery of the *Indies*, or else where, among whom men living together, had not some kind of Magistrate or Superior, to govern them, which evidently declareth that this point of Magistrates is also of Nature, and from God that created Nature, which point our Civil Law doth prove in like manner in the very beginning of our digests, where the second Title of the first Book is, *de origine juris civilis & omnium magistratuum*, of the beginning

3.  
The Civil  
Law.

Lib. 1. digesti.  
tit. 2.

ginning of the Civil Law, and of all Magistrates, which beginning is referred to this first principle of Natural Instinct and Gods Institution: And last of all, that God did concur also expressly with this Instinct of Nature, our Divines do prove by clear testimony of Holy Scripture, as when God saith to Solomon, *By me Kings do Reign*, and St. Paul to the Romans avoucheth, *That Authority is not but of God, and therefore he which resisteth Authority, resisteth God*. Which is to be understood of Authority, Power or Jurisdiction in it self, according to the first Institution; as also when it is lawfully laid upon any person, for otherwise when it is either wrongfully taken or unjustly used, it may be resisted in divers cases, as afterwards more particular shall be declared, for then it is not lawful Authority.

These two points then are of Nature, to wit, the Common-wealth, and Government of the same by Magistrates; but what kind of Government each Common-wealth will have, whether *Democretia* which is Popular Government by the People it self, as *Athens*, *Thebes*, and many other Cities of Greece had in old time, and as the Cantons or *Switzers* at this day have: Or else *Aristocretia*, which is the Government of some certain chosen number of the Best; as the *Romans* many years were governed by Councils and Senators, and at this day the States of this Countrey of *Holland* do imitate the same, or else *Monarchia*, which is the Regiment of one, and this again either of an Emperor, King, Duke, Earl or the like: These particular Forms of Government (I say) are not determined by God or Nature, as the other two points before, for then they should be all one in all Nations as the other are, seeing God and Nature are one to all, (as often hath been said) but these particular Forms are left unto every Nation or Countrey to chuse that Form of Government,



Arist. li. 2.  
Polit.

which they shall like best, and think most fit for the Natures and conditions of their people, which *Aristotle* proveth throughout all the second and fourth Books of his Politiques, very largely laying down divers kinds of Government in his days; as namely in *Greece* that of the *Milesians*, *Lacedemonians*, *Candians*, and others, and shewing the causes of their differences, which he attributeth to the diversity of mens Natures, Customs, Educations and other such causes, that made them make choice of such or such Forms of Government.

Diversity  
of Govern-  
ment in di-  
vers Coun-  
tries and  
Times.

And this might be proved also by infinite other examples, both of times past and present, and in all Nations and Countries, both Christian and otherwise, which have not had only different Fashions of Governments the one from the other, but even among themselves, at one time, one form of Government, and another at other times: For the *Romans* first had Kings; and after rejecting them for their Evil Government, they chose Councils, which were two Governours for every year, whose Authority yet they limited by a multitude of Senators, which were of their Council; and these mens power was restrained also by adding Tribunes of the people, and some time Dictators, and finally they came to be governed last of all by Emperors.

Rome.

Africa and  
Greece.

The like might be said of *Carthage* in *Africa*, and many Cities and Common-wealths of *Greece*, which in divers Seasons, and upon divers Causes have taken different Forms of Government to themselves.

Italy.

The like we see in *Europe* at this day, for in only *Italy*, what different Forms of Government have you? *Naples* have a King for their Sovereign, *Rome* the Pope, and under him one Senator, in place of so many as were wont to be in that Common-wealth. *Venice* and *Genoa* have Senators and Dukes, but little Authority have their Dukes. *Florence*,

*Ferrara*

*Parma, Mantua, Parma, Urbin and Savoy*, have their Dukes only, without Senators, and their power is absolute. *Milan* was once a Kingdom, but now a Dukedom; the like is of *Burgundy, Lorain, Bavire, Gascony*, and *Britain* the lesser, all which once had their distinct Kings, and now have Dukes for their Supream Governours. The like may be said of *Germany*, that many years together had one King over all, which now is divided into so many Dukedoms, Earldoms, and other like Titles of Supream Princes.

Dukes for  
Kings, and  
Kings for  
Dukes.

But the contrary is of *Castile, Aragon, Portugal, Barcelona*, and other Kingdoms this day in *Spain*, which were first Earldoms only, and after Dukedoms, and then Kingdoms, and now again are all under one Monarchy. The like is of *Bohemia* and *Polonia*, which were but Dukedoms in old time, and now are Kingdoms. The like may be said of *France* also after the expulsion of the *Romans*, which was first a Monarchy, under *Pharamond* their first King, and so continued for many years under *Clodion, Merovys, Childarik* and *Clodovans* there first Christened Kings, but after they divided it into four Kingdoms, to wit, one of *Paris*, another of *Soissons*, the third of *Orleans*, and the fourth of *Mets*, and so it continued for divers years, but yet afterwards they made it one Monarchy again.

Spain.

Bohemia.  
Polonia.

*England* also was first a Monarchy under the *Britains*, and then a Province under the *Romans*, and after that divided into seven Kingdoms at once under the *Saxons*, and now a Monarchy again under the *English*, and all this by Gods permission and approbation, who in token thereof, suffered his own peculiar people also of *Israel* to be under divers manners of Governments in divers times, as first under Patriarchs *Abraham, Isaac* and *Jacob*, then under Captains, as *Moses, Joshua*, and the like, then under Judges, as *Othaniel, Aiel* and *Gideon*,

England,

The Jews  
lib. Genes.

Lib. Exo.  
Lib. Joh.

Lib. Jud.

Lib. 1.

Reg.

Lib. Ma-

chab.

*deon*, then under High Priests, as *Hely* and *Samuel*, then under Kings, as *Saul*, *David* and the rest, and then under Captains and High Priests again, as *Zerobabel*, *Judas*, *Machabens*, and his Brethren, until the Government was lastly taken from them, and they brought under the power of the *Romans*, and Forraign Kings appointed by them.

*The Realm  
chuseth her  
Form of Go-  
vernment.*

So as of all this, there can be no doubt, but that the Common-wealth hath power to chuse their own Fashion of Government, as also to change the same upon reasonable causes, as we see they have done in all times and Countries; and God no doubt approveth what the Realm determineth in this point, for otherwise nothing could be certain, for that of these changes doth depend all that hath succeeded since.

*The Com-  
monwealth  
limiteth  
the Go-  
vernours  
Authority.*

In like manner is it evident, that as the Common-wealth hath this authority to chuse and change her Government, so hath she also to limit the same with what Laws and Conditions she pleaseth, whereof ensueth the great diversity of Authority and power which each one of the former Governments hath, as for example, the Councils of *Rome* were but for one year, other Officers and Magistrates were for more or less time, as their Common-wealth did allot them: The Dukes of *Venice* at this day are for their Lives; (except in certain cases, wherein they may be Deposed) and those of *Genoa* only for two years, and their Power (as I have said) is very small, and much limited; and their Heirs have no claim or pretence at all after them to that Dignity, as the Children and next of Kin of other Dukes of *Italy* have, though in different sort also: For that the Dukedoms of *Favara*, *Urbis* and *Parma* are limited only to Heirs Male, and for defect thereof, to return to the Pope or See of *Rome*; *Florence* and *Mantua* for like defects are to return to the Empire, and do not pass

to the Heirs Female, or to the next of Kin, as *Savoy*, and some others do.

And now if we respect God and Nature, as well might all these Governments follow one Law, as so different, for that neither God nor Nature prescribeth any of these particular Forms, but concurrerth with any that the Common-wealth it self appointeth; and so it is to be believed, that God and Nature concurred as well with *Italy* when it had but one Prince, as now when it hath so many, and the like with *Germany*, and the like also with *Switzerland*, which once was one Common-wealth only under Dukes and Marqueesses of *Austria*, and now are devided into thirteen Cantons or Common-wealths, under Popular Magistrates of their own, as hath been said: So as when men talk of a *Natural Prince*, or *Natural Successor*, (as many times I have heard the word used,) if it be understood of one that is born within the same Realm or Countrey, and so of our own natural blood, it hath some sense, though he may be both good or bad, (and none hath been worse or more Cruel many times then home born Princes:) But if it be meant as though any Prince had his particular Government or Interest to succeed by Institution of Nature, it is ridiculous, for that Nature giveth it not, as hath been declared, but the particular Constitution of every Common-wealth within it self; and so much for this first point, which must be the ground to all the rest that I have to say.

*A Natural Prince.*

Of

## C H A P. II.

*Of the Form of Monarchies and Kingdoms in Particular, and the different Laws, whereby they are to be Obtained, Holden and Governed in divers Countries, according as each Commonwealth hath Chosen and Eſta- bliſhed.*

**A**LL that hitherto hath been ſpoken, hath ap- pertained to all Princely and Supream Government in general, but now for that our matter in queſtion, is concerning the Succeſſion to a Kingdom; good reaſon that we ſhould reduce our Speech unto this Form of Government in parti- cular.

*A Monar-  
chy the beſt  
Govern-  
ment.*

*Arist.lib.4.  
pol.2. c.9.  
Seneca  
Plutarch.*

Fiſt of all then, is to be conſidered, that of all other Forms of Government, the Monarchy of a King in it ſelf, appeareth to be the moſt excellent and perfect; and ſo doth hold not only *Ariſtotele* in his forenamed Books of Politiques, and namely in his third; (with this only condition, that he govern by Laws,) but *Seneca* alſo and *Plutarch* in his Morals, and namely in that ſpecial Treatiſe where- in he dicuſſeth, *An ſen ſit Reſpub: tractanda*, whe- ther an old man ought to take upon him the Go- vernment of a Common-wealth or no: Where he ſaith that, *Regnum inter omnes Reſpub: conſummatiſ- ſima & prima eſt*, a Kingdom is the moſt perfect Common-wealth among all other, and the very fiſt: That is to ſay, the moſt perfect, for that it hath moſt Commodities and leaſt inconveniences in it ſelf, of any other Government, and it is the fiſt of all other, for that all people commonly made this choice at the beginning of this kind of Go- vernment, ſo as of all other it is moſt Ancient, for

ſo

so we read that among the *Syrians, Medes and Persians*, their first Governours were Kings: and when the Children of *Israel* did ask a King at the hands of *Samuel*, which was a thousand years before the coming of Christ, they alleadged for one reason, that all Nations round about them had Kings for their Governours; and at the very same time, the chiefest Cities and Commonwealths of *Greece*, as the *Lacedaemonians, Athenians, Corinthians* and others, whereof divers afterwards took other Governments unto themselves, for the abuses in Kingly Government committed; at that time were governed by Kings as at large proveth *Diomysius Halicarnassus, Cornelius Tacitus, Cicero* and others.

The Antiquity of Monarchy.

1 Reg. 8.

Dionys.  
Haly l. 5.  
Cornel.

Tacit. l. 3.  
Cicero l. 1.  
Offic.

Hierom. l.  
2. epist. 12.  
Chrisost.  
ho. 23.

The *Romans* also began with Kings, as before I have noted, and the reason of this is, for that as our Christian Doctors do gather, (especially *St. Hierome* and *St. Chrysostom*) this kind of Government resembleth most of all the Government of God, that is but one: it representeth the excellency of one Sun that lighteth all the Planets, of one Soul in the Body that governs all the Powers and Members thereof; and finally they shew it also to be most conform unto Nature, by example of the Bees which do chuse unto themselves a King, and do live under a Monarchy as the most excellent of all other Governments; to which purpose also I have heard alleadged sometimes by divers those words of *St. Peter*, *Subjuncti estis omni humana creatura propter Deum, sive regi quasi precellenti: sive ducibus ab eo missis, &c.* Be you subject of every humane creature, for Gods cause, whether it be to a King, as the most excellent, or to Dukes sent by God for the punishment of evil men, and praise of the good. Out of which words some do note two points; first that as one the one side the Apostle doth plainly teach that the Magistrates authority is from God, by his first institution, in that

1 Pet. 2.

Two Points  
to be noted.

that he sayeth, we must be subject to them for Gods cause; so on the other side, he calleth it a *humane Creature*, or a thing created by man, for that by mans free choice this particular Form of Government (as all other also) is appointed in every Common-wealth, as before hath been declared: And that by mans Election and consent, the same is laid upon some particular man or woman, according to the Laws of every Countrey, all which maketh it rightly to be called both a humane creature, and yet from God.

*How St. Peter calleth a King most excellent.*

The second point which divers do note out of these words, is, that St. *Peter* calleth a King most excellent, which though it may be understood in respect of the Dukes Authority, whereof immediately there followeth mention: Yet may it seem also to be taken and verified of Kingly Authority, in respect of all other Governments, seeing that at this time when the Apostles write this Epistle, the chief Governour of the World, was not called King, but Emperor; and therefore seeing in such a time St. *Peter* affirmeth the state of Kingly Government to be most excellent, it may seem he meant it absolutely, signifying thereby that this is the best kind of Government among all others; though to confess the truth between the Title of King and Emperor, there is little or no difference in substance, but only in name, for that the Authority is equal, every King is an Emperor in his own Kingdom.

*Utilities of a Kingdom and conveniences of other Governments.*

And finally the excellency of this Government above all other, is not only proved by the perfection thereof in it self, as for that it is most Ancient, Simple and conform unto Nature, and most resembling the Government of God himself, as hath been said, but by the effects also and utility that it bringeth unto the Subjects, with far less Inconveniences then any other Form of Government

ment whatsoever, if we compare them together: For in the Monarchy of one King, there is more Unity, Agreement and Conformity, and thereby also celerity in dispatching of business, and is defending the Common-wealth, then where many heads be, less Passions also in one man then in many; as for example in *Democratia*, where the Common people do bear the chief sway, which is *Belluamul-torum capitum*, as *Cicero* wisely said, that is, a beast of many Heads, there is nothing but sedition, trouble, tumults, outrages and injustices committed upon every little occasion, especially where Crafty and Cunning men may be admitted to insense or assuage them with Sugred words, such as were the Orators in *Athens*, and other Cities of *Greece*, that had this Government, and the Tribunes of the people of *Rome*, and other such popular and plausible men, who could move the waves, raise up the winds, and inkindle the fire of the vulgar peoples affections, passions or furies at their pleasure; by which we see that of all other Common-wealths, these of Popular Government have have soonest come to ruine, which might be shewed not only by old examples of *Greece*, *Asia* and *Africa*, but also of many Cities in *Italy*, as *Florence*, *Bolonia*, *Siena*, *Pisa*, *Arezzo*, *Spoletto*, *Perugia*, *Padua* and others, which upon the fall or diminution of the *Roman Empire* (under which they were before) took unto themselves Popular Governments, wherein they were so tossed with continual Sedition, Mutinies, and banding of Factions, as they could never have end thereof, until after Infinite Murthers, Massacres and Innundation of Blood, they came in the end to be under the Monarchy of some one Prince or other, as at this day they remain: so that of all other Governments this is the worst.

*Cicero l. 1. offic. Democratia.*

*Miseries of Popular Government in Italy.*

The second Form, which is called *Oligarchia* or  
Ari;



*Aristocratie* (for that a few and those presumed to be the best, are joynd together in Authority,) as it doth participate some thing of both the other Governments, to wit, of *Monarchie* and *Democratie*, or rather tempereth them both; so hath it both good and evil in it, but yet it inclineth more to the evil; for the disunion that commonly by mans infirmity and malice, is among those heads, for which cause the States before-named of *Venice* and *Genoa*, which were wont to have simply this Government of *Aristocratie*, in that their Regiment was by certain chuse Senators, were enforced in the end to chuse Dukes also, as Heads of their Senates for avoiding of dissention, and so they have them at this day, though their authority be but small as hath been said.

We see also by the examples of *Carthage* and *Rome*, where Government of *Aristocratie* took place, that the Division and Factions among the Senators of *Carthage*, was the cause why Aid and Succour was not sent to *Hannibal* their Captain in *Italy*, after his so great and Important Victory at *Cannas*, which was the very cause of the saving of the *Roman* Empire, and the loss of their own. As also afterwards the Emulations, Discord, and Disunion of the *Roman* Senators among themselves in the Affairs and Contentions of *Marius* and *Silla*, and of *Pompey* and *Cesar*, was the occasion of all their destruction, and of the Common-wealth with them.

Evident then it is, that of all other Governments, the Monarchy is the best, and least subject to the Inconveniences that other Governments have; and if the Prince that governeth alone, and hath Supream Authority to himself, as he resembleth God in this point of sole Government, so could he resemble him also, in Wise, Discreet, and Just Government, and in ruling without Passion;

no

Tit. liv.  
l. 30.

Eutrop. l. 3.  
Oros. l. 5.  
&c 6.

The cause  
why Laws  
be added to  
Kings.

no doubt, but that nothing more excellent in the world could be desired for the perfect felicity of his Subjects; but for that a King or Prince is a man as others be, and thereby not only subject to errors in Judgment, but also to passionate affections in his will; for this cause it was necessary that the Commonwealth, as it gave him this great power over them, so it should assign him also the best helps that might be, for directing and rectifying both his will and judgment, and make him therein as like in Government to God, whom he representeth, as mans frailty can reach unto.

For this consideration they assigned to him first of all the assistance and direction of Law whereby to govern; which Law (*Aristotle* saith) *Est mens quadam nullo perturbata affectu*; it is a certain mind disquited with no disordinate affection, as mens minds commonly be; for that when a Law is made, for the most part it is made upon due consideration and deliberation, and without perturbation of evil affections, as anger, envy, hatred, rashness, or the like passions; and it is referred to some good end and commodity of the Commonwealth, which Law being once made, remaineth so still; without alteration or partial affection, being indifferent to all, and partial to none, but telleth one tale to every man; and in this it resembleth the perfection as it were of God himself, for the which cause, the said Philosopher in the same place addeth a notable wise saying, viz. *That he which joyneth a Law to govern with the Prince, joyneth God to the Prince; but he that joyneth to the Prince his affection to govern, joyneth a Beast*; for that mens affections and concupisenses are common also to Beasts: so that a Prince ruling by Law is more than a man, or a man deified; and a Prince ruling by affections is less than a man, or a man brutified. In another place also the same Philo-

*Arist. 1. 4.  
pol. c. vit.*

*A notable  
Saying.  
Arist. 1. 3.  
pol. c. 12.*

Arist. 1. 1.  
Pol. c. 2.

pher saith, That a Prince that leaveth Law, and ruleth himself and others by his own appetite and affections, *of all Creatures is the worst, and of all Beasts is the most furious and dangerous*; for that nothing is so outrageous as Injustice armed, and no Armour is so strong as Wit and Authority; whereof the first he hath in that he is a Man, and the other in that he is a Prince.

Divers  
names and  
properties  
of Laws.  
Cic. lib. 2.  
Offic.

For this cause then all Commonwealths have prescribed Laws unto their Princes, to govern thereby, as by a most excellent, certain and immutable rule, to which sense Cicero said, *Leges sunt inventa ut omnibus semper una & eadem voce loquerentur*; Laws were invented to the end they should speak in one and the self-same sense to all men: For which very reason (in like manner) these Laws have been called by Philosophers a Rule or Square inflexible, and by Aristotle in particular, *a mind without passion*, as hath been said; but the Prophet David (who was also a Prince and a King) seemeth to call it by the name of *Discipline*; for that as Discipline doth keep all the parts of a Man, or of a particular House in order, so Law well ministered keepeth all the parts of a Commonwealth in good order; and to shew how severely God exacteth this at all Princes hands, he saith these words; *And now learn ye Kings, and be instructed you that judge the World: Serve God in fear, and rejoyce in him with trembling; embrace ye Discipline, lest he enter into wrath, and so ye perish from the way of Righteousness.* Which words being uttered by a Prophet and a King, do contain divers points of much consideration for this purpose. As first, that Kings and Princes are bound to learn Law and Discipline; and secondly, to observe the same with great humility and fear of God's wrath; and thirdly, that if they do not, they shall perish from the way of Righteousness, as though the greatest plague

Law is the  
Discipline  
of a weal  
publick.

Psal. 2.

plague of all to a Prince were to lose the way of Righteousness, Law and Reason in his Government, and to give himself over to passion and his own will, whereby they are sure to come to Shipwreck: And thus much for the first help.

The second help that Commonwealths have given to their Kings and Princes, especially in latter Ages, hath been certain Counsels and Counsellors with whom to consult in matters of importance; as we see the Parliaments of *England* and *France*, the Courts in *Spain*, and Dyets in *Germany*, without which no matters of moment can be concluded. And besides this, commonly every King hath his Privy-Council, whom he is bound to hear; and this was done to temper somewhat the absolute form of a Monarchy, whose danger is (by reason of his sole Authority) to fall into Tyranny, as *Aristotle* wisely noteth, in his fourth Book of Politicks, shewing the inconvenience or dangers of Government; which is the cause that we have few or no simple Monarchies now in the world, especially among Christians, but all are mixt lightly with divers points of the other two forms of Government also; and namely in *England* all three do enter more or less; for in that there is one King or Queen, it is a Monarchy; in that it hath certain Counsels that must be heard, it participateth of *Aristocrasia*; and in that the Commonalty have their Voices and Burgesses in Parliament, it taketh part also of *Democrasia*, or popular Government: All which limitations of the Princes absolute Authority (as you see) do come from the Commonwealth, as having Authority above their Princes for their restraint to the good of the Realm, as more at large shall be proved hereafter.

From like Authority, and for like Considerations have come the limitations of other Kings and Kingly power, in all times and Countries, from

The Counsels of Princes are a great help.

Arist. 1. 4.  
Pol. c. 10.

The Monarchy of England tempered.

The restraints of Kingly power in all the Estates.

## A Conference touching Succession

the beginning, both touching themselves and their Posterity and Successors; as briefly in this place I shall declare:

And first of all, if we will consider the two most renowned and allowed States of all the World, I mean that of the *Romans* and *Grecians*, we shall find that both of them began with Kings, but yet with far different Laws and Restraints about their Authorities: For in *Rome* the Kings that succeeded *Romulus* (their first Founder) had as great and absolute Authority as ours have now adays, but yet their Children, or next in Blood, succeeded them not of necessity, but new Kings were chosen, partly by the Senate, and partly by the People, as *Titus Livius* testifieth; so as of three most excellent Kings that ensued immediately after *Romulus*, viz. *Numa Pompilius*, *Tullius Hostilius*, and *Tarquinus Priscus*, none of them were of the Blood-Royal, nor of Kin the one to the other, nor yet *Romans* born, but chosen rather from among strangers, for their Vertue and Valour, and that by election of the Senate, and consent of the People.

In *Greece*, and namely among the *Lacedemonians*, which was the most eminent Kingdom among others at that time, the succession of Children after their Fathers was more certain; but yet (as *Aristotle* noteth) their Authority and Power was so restrained by certain Officers of the people, named *Ephori*, (which commonly were five in number) as they were not only checked and chastned by them, if occasion served, but also deprived, and sometimes put to death; For which cause the said Phylosopher did justly dislike this eminent Jurisdiction of the *Ephori* over their Kings; But yet we see hereby what Authority the Commonwealth had in this case, and what their meaning was in making Laws and restraining their Kings Power, to wit, thereby the more to bind them to do Justice; which

Roman  
Kings.

Liv. lib. 1.  
dec. 1.

Grecian  
Kings.

Arist. lib. 2.  
c. 8. polit.  
Plutarch in  
Lycurg.

which *Cicero* in his Offices uttereth in these words. *Iustitia fruenda causa apud maiores nostros & in Asia & in Europa bene morari reges olim sunt constituti, &c. at cum ius equabile ab uno viro homines non consequerentur, inventa sunt leges.* Cic. l. 1. Offic. Why Kings were restrained by Laws.  
 Good Kings were appointed in old time among our ancestors in *Asia* and *Europe*, to the end thereby to obtain Justice; but when men could not obtain equal Justice at one mans hands, they invented Laws.

The same reason yieldeth the same Phylosopher in another place, not only of the first Institution of Kingdoms, but also of the change thereof again into other Governments, when these were abused. *Omnes antiqua gentes regibus quondam paruerunt, &c.* That is, 'All old Nations did live under Kingdoms at the beginning; which kind of Government first they gave unto the most just and wisest men which they could find; and also after for love of them, they gave the same to their Posterity, or next in Kin, as now also it remaineth where Kingly Government is in use: But other Countries which liked not that form of Government, and have shaken it off, have done it, not that they will not be under any, but for that they will not be ever under one only.' Cic. l. 3. de legibus

Thus far *Cicero*; and he speaketh this principally in defence of his own Commonwealth, (I mean the *Roman*) which had cast off that kind of Government, (as before hath been said) for the Offence they had taken against certain Kings of theirs, and first of all against *Romulus* himself, their first Founder, for reigning at his pleasure, without Law, as *Titus Livius* testifieth; for which cause the Senators at length slew him, and cut him in small pieces. And afterwards they were greatly grieved at the entring of *Servius Tullius*, their sixth King, for that he got the Crown by fraud, Why Kingly Government was left in Rome. Titus Livius, l. 1. dec. 8.

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Livius ibi-  
dem.

and not by election of the Senate, and special approbation of the People, as he should have done: But most of all they were exasperated by the proceedings of their seventh King, named *Lucius Tarquinus* (surnamed the proud) who for that (as *Livius* saith) he neglected the Laws of Government prescribed to him by the Commonwealth; as namely, in that he consulted not with the Senate in matters of great importance; and for that he made War and Peace of his own head, and for that he appointed to himself a Guard, as though he had mistrusted the People; and for that he did use Injustice to divers particular men, and suffered his Children to be insolent, he was Expelled, with all his Posterity, and the Government of *Rome* changed from a Kingdom unto the Regiment of Consuls, after that the other had endured two hundred years.

Restraints  
of King-  
doms in  
Europe.

And thus much for those Kingdoms of *Italy* and *Greece*: And if likewise we will look upon other Kingdoms of *Europe*, we shall see the very same, to wit, that every Kingdom and Country hath its Laws prescribed to their Kings by the Commonwealth, both for their Government, Authority and Succession in the same: For if we behold the *Roman* Empire it self, as it is at this day annexed to the *German* Electors, though it be the first in dignity among Christian Princes, yet shall we see it so restrained by particular Laws, as the Emperor can do much less than other Kings in theirs; for he can neither make War, nor exact any contribution of Men or Money thereunto, but by the free leave and consent of the *German* Dyet or Parliament; and for his Children, or next in Kin, they have no Action, Interest, or Pretence at all to succeed in their Fathers Dignity, but only by free Election, if they shall be thought worthy: Nay, one of the chiefest points that the Emperor must swear

swear at his entrance (as *Sleydan* writeth) is this, *Sleydon*  
*That he shall never go about to make the Dignity of* lib. 8. A.  
*the Emperor peculiar or hereditary to his Family, but* 1532.  
*leave it unto the seven Electors free in their power, to* Blond. D.  
*chuse his Successor, according to the Law made by* cad. 2. l.  
*Pope Gregory the fifth, and the Emperor Charles the* Crant. li.  
*fourth in this behalf.* cap. 25.

The Kingdoms of *Polonia* and *Bohemia* do go *Kingdoms*  
much after the same fashion, both for their restraint *of Polonia*  
of Power, and Succession to their Kings. For first, *and Bohemia.*  
touching their Authority, they have great limitation, neither can they do any thing of great moment, without the consent of certain principal men called *Palatines* or *Castellans*, neither may their Children or next of Blood succeed, except they be chosen, as in the Empire. *Her. l. 9.*  
*Hist. Polon.*  
*Cromerus*  
*l. 3. Hist.*  
*Polon.*

In *Spain*, *France* and *England*, the priviledges of King; are far more eminent in both these points, for that both their Authority is much more absolute, and their next in Blood do ordinarily succeed, but yet in different manner: For as touching Authority, it seemeth that the Kings of *Spain* and *France* have greater than the King of *England*, for that every Ordination of these two Kings is Law in it self, without further approbation of the Commonwealth; where no general Law can be made without consent of Parliament; But in the other point of Succession it appeareth that the restraint is far greater in those other two Countries than in *England*, for that in *Spain* the next in Blood cannot succeed (be he never so lawfully descended) but by a new approbation of the Nobility, and Bishops, and States of the Realm; as it is expressly set down in the two ancient Counsels of *Tolledo* the fourth and fifth. In confirmation whereof we see at this day, that the King of *Spain's* own Son cannot succeed, nor be called Prince, except he be first sworn by the said Nobility and States, in token

*Kings of*  
*Spain,*  
*France and*  
*England.*

*Concil.*  
*blet. 4. c.*  
*74. & con-*  
*cil. f. c. 3.*



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of their new consent ; and so we have seen it practised in our days, towards three or four of King *Philip's* Children, which have succeeded the one after the other in the title of Princes of *Spain*, and at every change a new Oath required at the Subjects hands, for their admission to the said Dignity, which is not used in the Kings Children of *France* or *England*.

*Peculiar manner of Succession.*

An. 1340.  
Paul Anil.  
Hist. Franc.  
l. 2. Gerard  
du Hailan  
l. 4. Hist.  
Franc.

Fran. Bel-  
for l. 5. c. 1  
An. 1327.

*Reasons  
for Succession of Women.*

In *France* the World knoweth how Women are not admitted to succeed in the Crown, be they never so near in Bloud ; neither any of their Issue, though it be Male. For which cause I doubt not but you remember how King *Edward* the third of *England*, though he were Son and Heir unto a Daughter of *France*, whose three Brethren were Kings, and left her sole Heir to her Father King *Philip* the fourth, surnamed *the Fair*, yet was he put by the Crown, as also was the King of *Navar* at the same time, who was Son and Heir unto this Womans eldest Brothers Daughter, named *Lewis Huttin* King of *France* ; (which King of *Navar* thereby seemed to be before King *Edward* of *England*) but yet were they both put by it, and *Philip de Vallois*, a Brothers Son of *Philip the Fair*, was preferred to it by general Decree of the States of *France*, and by Verdict of the whole Parliament of *Paris*, gathered about the same Affair.

Neither did it avail that the two Kings aforesaid alledged, That it was against Reason, and Conscience, and Custom of all Nations to exclude Women from the Succession of the Crown which appertained to them by propinquity of Bloud, seeing both Nature and God hath made them capable of such Succession every where, as appeareth by Example of all other Nations ; and in the Old Testament, among the People of God it self, where we see Women have been admitted unto Kingdoms by Succession ; But all this (I say) prevailed not

not with the *French*, as it doth not also at this day for the admillion of *Dona Isabella Eugenia Clara*, The Infanta of Spain, unto the said Crown of *France*, and Prince of Lorraine, though by descent of Bloud there be no question of her next propinquity, for that she is the eldest Child of the last Kings eldest Sister.

The like Exclusion is made against the Prince of *Lorraine* that now liveth, though he be a Man, and Nephew to the last King, for that his Title is by a Woman, to wit, his Mother, that was younger Sister unto the last King *Henry of France*.

And albeit the Law called *Salica* by the *Frenchmen*, by virtue whereof they pretend to Exclude the Succession of Women, be no very ancient Law, as the *French* themselves do confess, and much less made by *Pharamond* their first King, or in those ancient times, as others without ground do affirm; yet do we see that it is sufficient to bind all Princes and Subjects of that Realm to observe the same, and to alter the course of natural descent and nearness of Bloud, as we have seen; and that the King of *Navar*, and some other of his Race, by vertue of this only Law, do pretend at this day to be next in Succession to this goodly Crown, though (in nearness of Bloud) they be farther off by many degrees from the last King *Henry* the third than either the foresaid *Infanta* of *Spain*, or the Prince of *Lorraine* that now is, who are Children of his own Sisters; which point yet in *England* were great disorder, and would not be suffered, for that our Laws are otherwise; and who made these Laws but the Commonwealth it self?

By all which we see that divers Kingdoms have divers Laws and Customs in the matter of Succession, and it is not enough (as often I have said) for a man to alledge bare propinquity of Bloud, thereby to prevail, for that he may be excluded

or

Gerard d  
Hailain,  
lib. 13. H  
Franc. &  
An. 1317  
& lib. 14  
An. 1328  
& lib. 3. d  
l'Estat de  
frunce.

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or put back by divers other circumstances, and for sundry other reasons, which afterwards we shall discuss.

*Kings lawfully possessed may be deprived.*

Yea, not only in this point (said he) hath the Commonwealth Authority to put back the next Inheritors upon lawful Considerations, but also to dispossess them that have been lawfully put in possession, if they fulfil not the Laws and Conditions by which, and for which their Dignity was given them. Which point, as it cannot serve for wicked men to be troublesome unto their own Governours, for their own Interests or Appetites, so yet when it is done upon just and urgent causes and by publick authority of the whole body; the Justice thereof is plain, not only by the grounds and reasons before alledged, but also those examples of the *Romans* and *Grecians* already mentioned, who lawfully deposed their Kings upon just considerations, and changed also their Monarchy and Kingly Government into other forms of Regiment. And it might be proved also, by examples of all other Nations, and this perhaps, with a circumstance which I know not whether every man here have consider'd the same, viz. *That God hath wonderfully concurred (for the most part) with such judicial Acts of the Commonwealth against their evil Princes, not only in prospering the same, but by giving them also some notable Successor in place of the Deposed, thereby both to justify the Fact, and to remedy the fault of him that went before.*

*A remarkable circumstance.*

To this all the Company answered, That they had never much thought, nor made reflection upon any such Circumstance; and therefore that it could not be but a point of much novelty to hear the same discussed, requesting him to say what he had observed or read in that behalf.

I am content (said he) but yet with this Preface, that I am far from the opinion of those people of our days, or of old, who make so little account of their duty towards Princes, as, be their Title what it will, yet for every mislike of their own, they are ready to band against them, wherefoever they think they may make their party good, inventing a thousand calumniationes for their discredit, without conscience or reason, whom indeed I do think to have little conscience, or none at all, but rather to be those whom the Apostles St. Peter and St. Jude spake of, when they said, *Novis Dominus iniquos in diem judicii reservare, cruciandos, magis autem eos qui dominationem contemnunt, audaces, sibi placentes, &c.* God knoweth how to reserve the wicked unto the day of judgment, there to be tormented; but yet much more those which do contemn Domination or Government, and are bold, and liking of themselves. Thus much there.

Nay further, I am of opinion, That whatsoever a Princes Title be, if once he be settled in the Crown, and admitted by the Commonwealth, (for all other holds I esteem the tenure of a Crown) if so it may be termed, (the most irregular and extraordinary) every man is bound to settle his conscience to obey the same, in all that lawfully he may command, and this without examination of his Interest; for that (as I have said) God disposeth of Kingdoms, and worketh his will in Princes Affairs as he pleaseth, and this by extraordinary means oftentimes; so that if we should examine the Titles at this day of all the Princes of Christendom, by the ordinary rule of private mens Rights, Successions, or Tenures, we should find so many knots and difficulties, as it were hard for any Law to make the same plain, but only the supreme Law of God's disposition, which can dispense in what he listeth.

Against  
Rebellious  
People and  
contemnors  
of Princes.

2 Pet. 2.  
10.  
Jude 8.

Titles of  
Princes  
once settled  
not to be ex-  
amined by  
private  
men.

This

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*Against  
flatterers  
that yield  
too much  
power to  
Princes.*

This is my opinion in this behalf, for true and quiet Obedience, and yet on the other side, as far off am I from the abject and wicked flattery of such as affirm Princes to be subject to no Law or limitation at all, either in Authority, Government, Life or Succession; but as though by Nature they had been created Kings from the beginning of the World; or as though the Commonwealth had been made for them, and not they for the Commonwealth; or as though they had begotten, or purchased, or given Life to the Weal publick, and not that the Weal publick had exalted them or given them their Authority, Honour and Dignity: So these flatterers do free them, from all Obligation, Duty, Reverence or Respect unto the whole Body, whereof they are the Heads; nay, expressly they say and affirm, *That all mens Goods, Bodies and Lives are the Princes, at their pleasure to dispose of: that they are under no Law or Accomt-giving whatsoever: that they succeed by Nature or Generation only, and not by any Authority, Admission or Approbation of the Commonwealth; and that consequently no merit or demerit of their persons is to be respected, nor any consideration of their Natures or Qualities, viz. of capacity, disposition or other personal circumstances is to be had or admitted, and do they what they list, no Authority is there, under God, to chasten them.*

*Absurd flatteries uttered by Belloy and others.*

*Belloy in apolog. Cath. & apolog pro Rege.*

All these absurd Paradoxes, have some men of our days uttered in flattery of Princes, and namely of late, one *Belloy* a French-man, (as before I signified) in two Books, which he called *Apologies*, the one *Catholick*, and the other for the *King*, both which he seemeth to write in favour of the King of *Navar*, (and as other also call him King of *France*;) but in my opinion he deserveth small commendation or reward, to defend a Kings Title with such assertions and propositions as to destroy all

all Law, Reason, Conscience and Commonwealth, and do bring all to such absolute Tyranny as no Realm ever did or could suffer among civil people, no not under the Dominion of the *Turk* himself at this day, where yet some proportion of Equity is held between the Prince and the people, both in Government and Succession, though nothing so much as in Christian Nations.

Wherefore, to avoid these two extremes, I shall prove unto you the mean before-mentioned, viz. That as all the Duty, Reverence, Love and Obedience before-named, is to be yielded unto every Prince which the Commonwealth hath once established, so yet retaineth still the Commonwealth her Authority, not only to restrain the Prince if he be exorbitant, but also chasten and remove him, upon due and weighty considerations, and that the same hath been done and practised at many times in most Nations, both Christian and otherwise with right good success, to the Weal publick; And this shall be the Argument (if you think good) of our next meeting, for that now it is late, and I would be loth to have you go away with my tale half told, for that it is a matter of much moment, as to morrow you shall hear.

All were content with this resolution, and so departed every man to his Lodging, with purpose to return the next morning somewhat more early than their accustomed hour, to the end the matter might be thoroughly debated.

*The purpose  
of the  
next Chap-  
ter.*

## C H A P. III.

*Of Kings lawfully chastised by their Commonwealths, for their Misgovernment; and of the good and prosperous Success that God hath commonly given to the same.*

*Two points  
to be pro-  
ved.*

*Nothing  
here spoken  
against due  
respect to  
Princes.*

**T**He Company was no sooner come together the next morning, but they were all at the Civilian Lawyer to perform his promise, and to prosecute the matter he had propounded the night before; To whom he answered, You require of me (if I be not deceived) two points joyntly to be proved unto you: The first, That Commonwealths have chastized sometimes lawfully their lawful Princes, though never so lawfully descended, or otherwise lawfully put in possession of their Crown: And secondly, That this hath fallen out ever, or for the most part, commodious to the weal publick; and that it may seem that God approved and prospered the same, by the good Success and Successors that ensued thereof. Which two points I am content (quoth he) to shew unto you by some examples, for that the reasons hereof have in part been declared before, and shall be more in particular hereafter; but yet must I do this with the protestation before-mentioned, that nothing be taken out of this my Speech, against the Sacred Authority and due Respect and Obedience that all men do ow unto Princes, both by God's Law and Nature, as hath been proved; but only this shall serve to shew, that as nothing under God is more honourable, amiable, profitable, or sovereign, than a good Prince; so nothing is more pestilent, or bringeth so great Destruction  
and

and Desolation as an evil Prince. And therefore as the whole Body is of more Authority than the only Head, and may cure the Head if it be out of tune, so may the weal publick cure or cut off their Heads if they infect the rest; seeing that a Body Civil may have divers Heads, by Succession, and is not bound ever to one, as a Body Natural is, which Body Natural, if it had the same ability that when it had an aking or sickly Head, it could cut it off and take another, I doubt not but it would so do, and that all men would confesse that it had authority sufficient, and reason to do the same, rather than all the other parts should perish, or live in pain and continual torment: But yet much more clearer is the matter that we have in hand for disburdening our selves of wicked Princes, as now I shall begin to prove unto you.

And for proof of both the points joyntly which you require, I might begin perhaps with some Examples out of the Scripture it self, but that some man may chance to say, that these things recounted there of the *Jews* were not so much to be reputed for Acts of the Commonwealth, as for particular Ordinations of God himself, which yet is not any thing against me, but rather maketh much for our purpose, for that the matter is more authorized hereby, seeing that whatsoever God did ordain or put in ure in his Commonwealth, that may also be practised by other Commonwealths, now having his authority and approbation for the same. Wherefore (said he) I do hasten to Examples that are more nearer home, and more proper to the particular purpose whereof we treat, yet can I not omit to note some two or three out of the Bible, that do appertain to this purpose also; and these are the Deprivation and putting to Death of two wicked Kings of *Juda*, named *Saul* and *Amon*; (though both of them were lawfully placed in  
*Deprivations of Kings recounted in Scripture.*  
that 44



that Dignity,) and the bringing in of *David* and *Josias* in their rooms, who were the two most excellent Princes that ever that Nation or any other ( I think ) have had to govern them.

And first, King *Saul*, though he were elected by God ( as you know ) to that Royal Throne, yet was he slain by the *Philistines*, by God's order, as it was foretold him, for his Disobedience, and not fulfilling the Law and Limits prescribed unto him. *Amon* was lawful King also, and that by natural Descent and Succession; for he was Son and Heir to King *Manasses*, whom he succeeded, and yet was he slain by his own People, *quia non ambulavit in via Domini*; for that he walked not in the way prescribed unto him by God: And unto these two Kings so deprived God gave two Successors, ( as I have named. ) the like whereof are not to be found in the whole rank of Kings for a Thousand years together: For of *Josias* it is written, *Fecit quod erat rectum in conspectu Domini, & non declinavit neque ad dextram neque ad sinistram*; He did that which was right in the sight of God, neither did he decline to the right hand nor the left. He reigned 31. years; and *Jeremias* the Prophet that lived in his time loved this good King so extremely, as he never ceased afterwards to lament his Death, as the Scripture saith.

King Josias

2 Paralip.  
34.

2 Paralip.  
35.

King David

Xenophon  
in Cyropæd.

As for King *David*, it shall not be needful to say any thing how excellent a King he was; for ( as many learned men do note ) he was a most perfect pattern for all Kings that should follow in the World; not as King *Cyrus*, whom *Xenophon* did paint out more according to his own imagination of a perfect King that, he wished, than to the truth of the story; but rather as one that passed far in Acts that which is written of him; and this not only in matters of Religion, Piety and Devotion, but also of Chivalry, Valour, Wisdom and Policy;

Policy; neither is it true which *Nicholas Machiavel* the Florentine, and some others of his new Unchristian School do affirm, for defacing of Christian Virtue, That Religion and Piety are ostentatious less to politick and wise Government, and do break or weaken the high Spirits of magnanimous men to take in hand great Enterprizes for the Commonwealth. This (I say) is extreme false; for that, as Divines are wont to say, (and it is most true,) Grace doth not destroy or corrupt, but perfecteth Nature; so as he which by nature is Valiant, Wise, Liberal or Politick, shall be the more, if also he be Pious and Religious. Which we see evidently in King David, who notwithstanding all his Piety, yet omitted he nothing appertaining to the State and Government of a noble, wise and politick Prince: For first of all, he began with Reformation of his own Court and Realm in matter of Life and Service to God, wherein he used the Counsel and Direction of God, and of *Nathan* the Prophet, as also of *Abiathar* and *Hirani* the Chief Priests, and of *Heman* his wife Counsellor. He reduced the whole Clergy into Twenty four Degrees, appointing Four Thousand Singers, with divers sorts of musical Instruments, under *Asaph*, *Heman* and other principal men that should be heads of the Choir. He appointed all Officers needful both for his Court and also the Commonwealth, with the Arms of the Crown, which was a Lion, in remembrance of the Lion that he slew with his own hands when he was a Child. He ordained a Mint with a peculiar form of Money to be stamped; took order for distributing Relief to the poor, and other like Acts of a prudent and pious Prince.

After all this, he turn'd himself to his old Exercise of War, to which he was given from his childhood, being wonderful valiant of his own person, as appeareth by the Lion and Bear that he

Ni. Mach

l. 2. c. 2.

Tit. Liv

August. 1.

de Gran.

The wisdom

and piety of

King David

1 Paralip

15.

Psal. 22

25.

The Arms

King David

His Valour

in Chivalry

slew

D

slew

King Da-  
vid's Vi-  
brist.

2 Reg. 8.

1 Paral. 18

2 Reg. 23.  
Joseph. l. 7.  
antiq. c. 10

2 Reg. 7.

His Humi-  
li y, Chari-  
ty and De-  
votion.

flew with his own hands, and the courage where-  
with he took upon him the combat with *Goliath*;  
and as he had shewed himself a great Warriour and  
renowned Captain many years in the service of  
*Saul* against the *Philistines*, and had gained many  
noble Victories; so much more did he after he was  
King himself, for that he conquered not only the  
*Philistines*, but also the *Amorites*, *Idumeans* and  
*Moabites*, with the Kings and People of *Damasco*,  
and all *Syria*, even unto the River *Euphrates*, and  
left all these Countreies peaceable to his Successor:  
and the Scripture recounteth in one only Chapter  
how that in three or four Battels, wherein *David*  
himself was present, within the space of two or  
three years, almost a hundred thousand Horse and  
Foot were slain by him; and that himself slew in  
his days eight hundred with his own hands; and  
that he made by his Example Thirty seven such  
Captains, as each one of them was able to lead  
and govern a whole Army; and yet among all  
these Expences of Wars had he care to lay up so  
much Money and Treasure as was sufficient for  
the building an huge and wonderful Temple after  
him, which he recommended to his Son *Solomon*;  
And amidst all this Valour and Courage of so war-  
like a King and Captain, had he so much Hu-  
mility as to humble himself to *Nathan* the Prophet  
when he came to rebuke him for his Fault, and so  
much Patience and Charity as to pardon *Shimei*,  
that reviled him and threw stones at him in the  
High-way as he went; And among so many and  
continual busineses, both Martial and Civil, and  
great affairs of the Commonwealth, he had time  
to write so many Psalms as we see, and to sing  
praises seven times a day to Almighty God; and  
to feel that Devotion at his death which we read  
of; And finally, he so lived and so died, as never  
Prince (I think) before him, nor perhaps after  
him

him so joynd together, both Valour and Vertue, Courage and Humility, Wisdom and Piety, Government and Devotion, Nobility and Religion. Wherefore though I have been somewhat longer than I would in this Example, yet hath it not been from the purpose to note somewhat in particular what two worthy Kings were put up by God in place of two other by him deprived and deposed.

And now if we will leave the *Hebrews* and return to the *Romans*, of whom we spake before, we shall find divers things notable in that State also to the purpose we have in hand. For before I told you how that *Romulus* their first King having by little and little declined into Tyranny, he was slain and cut in pieces by the Senate, (which at that time contained a hundred in number) and in his place was chosen *Numa Pompilius*, the notablest King that ever they had, who prescribed all their order of Religion and manner of Sacrifices, imitating therein, and in divers points, the Rites and Ceremonies of the *Jews*, as *Tertullian* and other Fathers do note; He began also the building of their Capitol, added the two Months of *January* and *February* to the Year, and did other such notable things for that Commonwealth.

Again, When *Tarquinus* the proud, their seventh and last King, was expelled by the same Senate for his evil Government, and the whole Government changed, as before hath been touched, we see the success was prosperous, for that not only no hurt came thereby to the Commonwealth, but exceeding much good, seeing their Government and increase of Empire was so prosperous under their Consuls, for many years, in such sort, that whereas at the end of their Kings Government they had but fifteen miles Territory without their

*Kings put down among the Romans, and what Successors they had.*

*Halicar. l. 1  
Tertul. l. de præscrip. contra hæres. Justin. martyr apolog.*

*Tit. liv. l. 1  
dec. 1.  
Eutrop. l. 1*

City, it is known, that when their Consul's Government ended, and was changed by *Julius Caesar*, their Territory reached more than fifteen thousand miles in compass; for that they had not only *Europe* under their Dominion, but the principal parts also of *Asia* and *Africa*; So as this chastisement so justly laid upon their Kings was profitable and beneficial to their Commonwealth also.

Caesar Augustus.

Moreover, When *Julius Caesar* (upon particular Ambition) had broken all Law, both Humane and Divine, and taken all Government into his own hands alone, he was in revenge thereof slain (as the World knoweth) by Senators in the Senate-house, and *Octavianus Augustus* preferred in his room, who proved the most famous Emperor that ever was.

Dion in  
Caes.  
Sueton in  
Caes.  
Nero Vespasian.

I might note here also how *Nero* sixth Emperor of *Rome*, which succeeded lawfully his Uncle *Claudius* in the Empire; and being afterward deposed and sentenced to Death by the Senate, for his wicked Government, (which was the first judicial Sentence that ever the Senate gave against an Emperour) albeit peace ensued not presently; but that *Galba*, *Otho* and *Vitellius*, three Captains of the Empire; made some little interludes of tragical killing one another; yet within few months the whole Empire by that means fell upon *Vespasian* and his Son *Titus*, two of the best Governours that ever those times saw.

Cornel.  
Tacit. lib.  
10 & 81.  
Egesip. l. 5

Europ. in  
vita Caes.

The like might be noted of the noble rank of five excellent good Princes, viz. *Nerva*, *Trajan*, *Adrian*, *Antonius Pius*, and *Marcus Aurelius*, that ensued in the Empire, by the just Death of cruel *Domitian*; which Execution the Senate is thought in secret to have procured, (not being able to perform it openly by Justice,) which was seen by that, that when the act was done, the Senate did

did presently by publick Decree allow of the same, and disannulled all his barbarous Acts for their exceeding Cruelty, and commanded his Arms and Memories to be pulled down every where, and chose for his Successor one *Cocceius Nerva*, an *Italian*, a man of excellent Vertue, by whom they enjoyed not only the most prosperous time of his Government, but of all those four before-named, that ensued him, no less worthy than himself.

Not long after the succession of these excellent good Emperours, there came to the Crown, by lawful Descent of Bloud, a Youth named *Antonius Heliogabalus*, Son of the Emperour *Antonius Caracalla*, and Nephew to the most famous and noble Emperour *Septimus Severus*, that died in *England*: Which Youth, as he was greatly loved and honoured a great while for so worthy a Grandfather; so afterwards, for his own most beastly Life and foul Actions, he was deprived, and put to death by the Souldiers of *Rome*, at the request and common desire both of the People and Senate, when he had reigned Six years, and yet was but Twenty years of age when he was put down, and his Death and Deprivation was approved by publick Act of the Senate; who ordained also in his detestation, That never Emperour after him should be called *Antonius*; And so it was observed, though no other Name had ever been more grateful before to the world, for the remembrance of good Emperours that had been so called.

This man being chastized as is said, there was preferred to the Empire in his room a goodly young man of his next Kindred, named *Alexander Severus*, Son to *Mamonea*, which was Sister to *Heliogabalus's* Mother; and being admitted by common consent, both of the Senate, People and Army, he proved one of the rarest Princes for his

Heliogabalus

An. Dom  
124.

Alius lamp  
in vita Heliog.

Alexander Severus.

Herod in  
vit. Sever.

## A Conference touching Succession

Valour and Vertue that ever the *Roman* Empire had had; so as the worthiness of *Severus* seemed to recompence fully the wickedness of *Helio-gabalus*.

I might name divers other such Examples, and among the rest that of *Maxentius*; who being lawfully possessed of the Empire in *Rome*, as it seemed (for that he was Son to *Maximinianus* the Emperour that reigned with *Dioclesian*) yet for his tyrannous Government that was intollerable, it is supposed that the Senate (not being able to match him in open strength) sent privily into *England* and *France* to invite *Constantine* to come and do Justice upon him; and so he did; and he being drowned in the River of *Tiber*, *Constantine* (afterward surnamed *the Great*) succeeded in the Empire, and was the man that all men know, and the first Emperour that publickly professed himself a Christian, and planted our Faith over all the World: And this of the *Roman* Empire.

The change  
of the East  
Empire.

And if ye will come lower down, and nearer home, we have yet another Example, more remarkable than the rest; which is, The change of the Empire from the East to the West, for the evil Government of *Constantine* the sixth, who was Deposed first, and his eyes put out by his own Mother *Irene*, and the Empire Usurped by her; But being not able to rule it in such order as was needful for so great a Monarchy, (though otherwise she was one of the rarest Women for Valour and Wisdom that ever the World had) she was deprived thereof by the Sentence of *Leo* the third, Pope of *Rome*, and by consent of all the People and Senate of that City, and *Charles* King of *France* and *Germany* (afterward surnamed *the Great*) was Crowned Emperour of the *West*; and so hath that Succession remained unto this day, and many worthy Men have succeeded therein, and infinite Acts of

Charles  
the Great.  
An. 800.

of Jurisdiction have been exercised by this Authority, which were all Unjust and Tyrannical; if this change of the Empire, and Deposition of *Irene* and her Son for their evil Government had not been lawful.

It were too long to run over all other Kingdoms; yet some I shall touch in such points as are most notorious.

The two famous changes that have been made of the Royal Line in *France*; the first from the Race of *Pharamond* and *Clodoveus* to the Line of *Pepin*; and the second from the Race of *Pepin* again to the Line of *Hugo Capet*; that endureth unto this day; Whereto are they founded, but upon the judicial Chastisement and Deposition of two evil Princes, the first of *Childeric* the third, lawful King of *France*, who after he had reigned ten years was deposed by *Zachary* the Pope, at the request of the whole Nobility and Clergy of *France*; or rather his Deprivation was by them, and confirmed by the Pope; to whom they alledged this reason for their doing in that behalf (as *Girard* putteth it down in his *French Chronicles*; I mean the large and the Abreviation, viz.) 'That  
' their Oath to *Childeric* was to honour, serve, obey,  
' maintain and defend him against all men, as long  
' as he was Just, Religious, Valiant, Clement, and  
' would resist the Enemies of the Crown, punish  
' the wicked and conserve the good, and defend the  
' Christian Faith. And soasmuch as these promises  
' (said they) were conditional; they ought not to  
' hold or bind longer than they were reciprocally obser-  
' ved on both parts; which seeing they were not on  
' the part of *Childeric*, they would not be any longer  
' his Subjects; and so desired *Zachary* to absolve  
' them from their Oaths, which he did; and by this  
' means *Childeric* was Deposed, and put into a Mona-  
' stery, where he died; and in his place *Pepin* was cho-

Two chan-  
ges in  
*France*.  
*Belfori* l.  
*Girard* l.  
*Æmil* l.  
*Clem*.  
*Caudin*.  
en la Chro-  
nique des  
Rois de  
*France*.

Reasons  
Depriva-  
tion.



## A Conference touching Succession

'*feh and crowned King, whose Posterity Reigned for many years after him, and were such Noble Kings as all the World can testifie.*

Hugo Ca-  
pet. Anno  
988.

And so continued this Race of *Pepin* in the Royal Throne for almost two hundred years together, until *Hugo Capetus*, who was put into the same Authority of the Commonwealth, and *Charles* of *Lorraine*, last of the Race of *Pepin*, for the evil satisfaction which the *French* Nation had of him, was put by it, and kept Prisoner during his Life in the Castle of *Orleanse*.

And thus much all the *French* Histories affirm, and to attribute to these changes the prosperity and greatness of their present Kingdom and Monarchy. And thus much for *France*, where many other Examples might be alledged, as of King *Lewis* the third, surnamed *Fainant*, for that he was unprofitable; and of *Charles*, surname *Le grot*, that succeeded him, both of them deposed by the States of *France*: And other the like, of whom I shall have occasion to speak afterwards to another purpose.

Examples  
of Spain.

Concil  
Tolet. 4.  
cap. 4.  
Ambros.  
moral l. 11  
cap. 17.

Isidor. in  
Hist. Hi-  
span.

But now, if you please, let us step over the *Pyrenean* Mountains, and look into *Spain*, where there will not fail us also divers Examples, both before the oppression of that Realm by the *Moors*, and also after: For that before, to wit, in the year of Christ 630. we read of a lawful King, named *Flaveo Suintila*, put down and deprived, both he and his Posterity, in the fourth Council National of *Toledo*, and one *Sissinado* confirmed in his place; notwithstanding that *Suintila* was at the beginning of his Reign a very good King, and much commended by St. *Isidornus* Archbishop of *Sevil*; who yet in the said Council was the first man that subscribed to his Deprivation.

After the entrance of the *Moors* also, when *Spain* was reduced again to the Order and Govern-  
ment

ment of *Spanish Kings*; We read that about the year of Christ 1282. one *Don Alonso* the eleventh of that name, King of *Castile*, and *Leone*; succeeded his Father *Ferdinando*, sur-named the *Saint*, and himself obtained the sur-name of *Sabio* and *Astrologo*, that is to say, of Wise, and of an Astrologer, for his excellent Learning, and peculiar Skill in that Art, as may well appear by the Astronomy-Tables, that at this day go under his name, which are the most perfect and exact that ever were set forth, by judgment of the Learned.

This Man, for his evil Government, and especially for Tirany used towards two Nephews of his, as the *Spanish Chronicler Garavay* writeth, was deposed of his Kingdom by a publick Act of Parliament, in the Town of *Valladolid*, after he had Reigned thirty years; and his own son *Don Sancho* the fourth, was Crowned in his place; who for his valiant Acts, was sur-named *el bravo*, and it turned to great commodity of the Common-Wealth.

The same Common-Wealth of *Spain* some years after, to wit, about the year of Christ 1368. having to their King one *Don Pedro*, sur-named the *Cruel*; for his injurious proceeding with his Subjects, though, otherwise he were lawfully seased of the Crown, as Son and Heir to King *Don Alonso* the twelfth, and had Reigned among them eighteen years; yet for his evil Government they resolved to depose him, and so sent for a Bastard Brother of his, named *Henry*, that lived in *France*, requesting him that he would come with some force of *French-men*, to assist them in that Act, and take the Crown upon himself; which he did, and by the help of the *Spaniards* and *French Souldiers*, he drove the said *Peter* out of *Spain*, and himself was Crowned. And albeir, *Edward* sur-named the black Prince of *England*, by order of his Father

King

Estevan  
Garibay  
13. de la  
Hist. de  
Espan. c. 1

Tabule  
Astron.  
Alfontine

King Don  
Alonso de-  
posed.

Don Pedro  
Cruel de-  
posed.

Garibay L  
14. c. 40.  
41.

## A Conference touching Succession

King *Edward* the third, restored once again the said *Peter*; yet was it not durable, for that *Henry* having the favour of the *Spaniards*, returned again, and deprived *Peter* the second time, and slew him in Fight hand to hand, which made shew of more particular favour of God in this behalf to *Henry*, and so he remained King of *Spain*, as doth also his progenie enjoy the same unto this day; though by nature he was a Bastard (as had been said;) and notwithstanding that King *Peter* left two Daughters, which were led away into *England*, and there Married to great Princes.

And this King *Henry* (so put up in his place) was called King *Henry* the second of this name, and proved a most excellent King, and for his great Nobility in conversation, and prowess in Chivalry, was called by excellency, *El cavallero* the Knightly King, and for his exceeding benignity and liberality, was sur-named also, *El delas mercedes*, which is to say, the King that gave many gifts, or the liberal franck, and bountiful King, which was a great change from the other sur-named *Cruel*, that King *Peter* had before; and so you see that always I give you a good King in place of the bad deposed.

In Portu-  
gal.

King Don  
Sancho 2.  
deposed.

Garibay  
lib. 4. de  
Hist. Por-  
tug. c. 19.

In *Portugal* also before I go out of *Spain*, I will alledge you one example more, which is of *Don Sancho* the second, sur-named *Capello*, fourth King of *Portugal*, lawful Son and Heir unto *Don Alonso* sur-named *el Garido*, who was third King of *Portugal*. This *Don Sancho*, after he had Reigned 34. years, was deprived for his defects in Government, by the universal consent of all *Portugal*; and this his first deprivation from all Kingly rule and Authority (leaving him only the bare name of King) was approved by a General Council in *Lions*; *Pope Innocent* the fourth being there present, who at the Petition and instance of the whole Realm

Realm of *Portugal*, by their Embassadors the Arch-Bishop of *Braga*, Bishop of *Comibra*, and divers of the Nobility sent to *Lyons* for that purpose; did Authorise the said State of *Portugal*, to put in Supream Government, one *Don Alonso*, Brother to the said King *Don Sancho*, who was at that time, Earl of *Bullen* in *Picardy*, by right of his Wife, and so the *Portugals* did; And further also, a little after they deprived their said King, and did drive him out of his Realm into *Castilla*, where he liv'd all the rest of his Life in Banishment, and Dyed in *Toledo* without ever returning; and this decree of the Councel and *Pope* at *Lyons*, for Authorising of this fact, is yet extant in our Cannon Law, in the first Book of *Decretals* now in Print. And this King *Don Alonso* the third, which in this sort was put up against his Brother, was peaceably and prosperously King of *Portugal*, all the days of his life, and he was a notable King; and among other great Exploits, he was the first that set *Portugal* free from all Subjection, Dependance and Homage, to the Kingdom of *Castile*, which unto his time it had acknowledged, and he left for his Successor his Son and Heir, *Don Diomysio el Fabricador*; to wit, the great Builder, for that he Builded and Founded above forty and four great Towns in *Portugal*, and was a most rare Prince, and his off-spring ruleth in *Portugal* unto this day.

Infinite other Examples could I alledge, if I would examine the Lives and Descents of these and other Kingdoms with their Princes; and namely, if I would speak of the *Greek* Emperors, deprived for their evil Government, not so much by popular Mutiny (which often happened among them) as by consent, and grave deliberation of the whole State and weal-publick, as *Michael Calaphurus*, for that he had trodden the

Crosse

Lib. 6. d.  
cret tit.  
de supple  
da cap.  
Grand. 1.

Garibay  
in Hist. d.  
Portug. l.  
34. cap. 2.

The Empe  
ror of  
Greece.

Galicas in  
Annal.  
part. 4.  
Zon. Annal  
co. 3. in vi-  
ta Michael  
Calapha.

In Polonia.

In literis  
reip. Polon.  
ad Henr.  
Valefium  
pag. 182.  
184.  
Vide Ga-  
gneum  
part 1. de  
rebus Po-  
lon.  
In Suetia.

Poilin. I.  
32. Histor.  
de Franc.  
An. 1568.

In Den-  
mark.

*Cross of Christ* under his Feet, and was other-  
wise also a Wicked Man; As also the Emperour  
*Nicephorus Botoniates*, for his Dissolute Life, and  
preferring Wicked Men to Authority, and the  
like, whereof I might name many, but it would  
be too long.

What should I name here, the deposition made  
of Princes in our days, by other Common-Wealths,  
as in *Polonia*, of *Henry* the third that was last  
King of *France*; and before that had been Sworn  
King of *Polonia*, of which Crown of *Polonia*, he  
was deprived by publick Act of Parliament, for  
his departing thence without License, and not  
returning at his day, by the said State appointed  
and denounced, by publick Letters of Peremptory  
Commandment, which are yet extant.

What should I name, the Deprivations of *Hen-*  
late King of *Suetia*, who being lawful Successor,  
and lawfully in possession after his Father; *Gusta-*  
*nus* was yet put down by that Common-Wealth,  
and deprived, and his Brother made King in his  
place; who if you remember was in *Ireland* in  
the beginning of this Queens Reign, and whose  
Son Reigneth at this day, and is King also of *Polo-*  
*nia*; and this Fact was not only allowed of at  
home by all the States of that Countrey, but also  
abroad, as namely of *Maximilian* the Emperor,  
and approved also by the King of *Denmark*, and  
all the Princes of *Germany*, near about that Realm,  
who saw the reasonable cause, which that Com-  
mon-Wealth had to proceed as it did.

And a little before that, the like was practised  
also in *Denmark*, against *Cisternus* their lawful  
King, if we respect his descent in Bloud, for he was  
Son to King *John* that Reigned afore him, and  
Crowned in his Fathers life, but yet afterwards  
for his Intolerable cruelty, he was deprived and  
driven into Banishment, together with his Wife  
and

and three Children, all which were Disinherited; and his Uncle *Frederick* Prince of *Alfatia* was chosen King, whose Progeny yet remaineth in the Crown; and the other, though he were married to the Sister of *Charles* the fifth and last Emperour of that Name, and were of Kin also to King *Henry* the eighth of *England*, yet could he never get to be restored; but passed his time miserably, partly in Banishment, and partly in Prison, until he died.

But it shall be best perhaps to end this short Narration with an Example or two out of *England* it self, for that no where else have I read more remarkable accidents touching this point than in *England*; but for brevity sake I shall only touch two or three that have happened since the Conquest, for that I will go no higher, though I might, as appeareth by the Example of King *Edwin* and others; neither will I begin to stand much upon the Example of King *John*, though well also I might, for that by his evil Government he made himself both so odious at home, and contemptible abroad (having lost *Normandy*, *Gascoin*, *Guyen*, and all the rest in effect, which the Crown of *England* had in *France*), as first of all he was both Excommunicated and Deposed by the Sentence of the Pope, at the Suit of his own people; and was forced to make his peace by resigning his Crown into the hands of *Pandulf* the Pope's Legate, (as *Polidor* recounteth) and afterwards falling back again to his old defects and naughty Government, (albeit by his promise to the Pope to go and make War against the *Turks*, if he might be quiet at home, and that his Kingdom should be perpetually tributary to the See of *Rome*, he procured him to be of his side for a time, and against the Barons,) yet that stayed not them to proceed to his Depri-  
vation, which they did effectuate, first at *Canter-*  
*bury*,

Sleydan  
l. 4. Hist.  
An. 1333  
Munf.  
Cosmog.  
descript.  
Davide  
Paulus  
vius in  
ris illust.

Example  
of Eng-  
land.

King John  
Deposed.

Polid.  
Ang. l. 1.  
An. 1213

311. by  
306. 8  
382. 1

311. by  
306. 8  
382. 1

An. 1216. *bury*, and after at *London*, in the 18<sup>th</sup> and last year of King *John's* Reign; and meant also to have disinherited his Son *Henry*, which was afterwards named King *Henry* the 3<sup>d</sup>, and at that time a Child of Eight years old only, (and all this in punishment of the Father) if he had lived; and for that cause they called into *England* *Lodowick* Prince of *France*, Son to King *Philip* the second, and Father to St. *Lewis* the ninth, and chose him for their King, and did swear him Fealty with general consent, in *London*, in the year of our Lord

An. 1216. 1216. And (but that the Death of King *John*, that presently ensued, alter'd the whole course of that designment, and moved them to turn their purposes, and accept of his Son *Henry*, before matters were fully established for King *Lodowick*) it was most likely that *France* and *England* would have been joyned by these means under a Crown.

King Henry the third.

But in the end, (as he said) King *Henry* the third was admitted, and he proved a very worthy King, after so evil as had gone before him, and had been Deposed, (which is a circumstance that you must always note in this Narration) and he reigned more years than ever King in *England* did before him; for he reigned full Fifty three years, and left his Son and Heir, *Edward* the first not inferiour to himself in Manhood and Virtue, who reigned 34 years, and left a Son, named *Edward* the second, who falling into the same, or worse, defects of Government than King *John* his Great-Grand-father had done, was (after 19 years reign) Deposed also, by Act of Parliament holden

King Edward the second deposed.

Polyd. l. 18  
Hist Ang.  
An. 1386.

Stow in the Life of K. Edward the second.

at *London* in the year 1386. and his Body adjudg'd to perpetual Imprisonment, he being Prisoner at that present in the Castle of *Wallingford*; whither divers, both Bishops, Lords, and Knights of the Parliament were sent unto him, to denounce the Sentence of the Realm against him, viz. How they had

*bad deprived him, and chosen Edward his Son in his  
 stead: For which act of choosing his Son he thanked  
 them heartily, and with many tears acknowledged  
 his own unworthiness; whereupon he was degra-* *The man-  
 ner of De-  
 privation  
 of a King.*  
*ded; his Name of King first taken from him, and  
 he appointed to be called Edward of Carnarvan from  
 that hour forward; and then his Crown and Ring  
 were taken away, and the Steward of his House  
 brake the Staff of his Office in his presence, and  
 discharged his Servants of their Service, and all  
 other people of their Obedience or Allegiance to-* *See Stow  
 and Hol-  
 ling. in  
 this man's  
 Life*  
*wards him: And towards his maintenance he had  
 only a hundred Marks a year allowed for his Ex-  
 pences, and then was he delivered also into the  
 hands of certain particular Keepers, who led him  
 Prisoner from thence by divers other places, using  
 him with extreme indignity in the way, until at  
 last they took his Life from him in the Castle of  
 Berkley, and his Son Edward the third reigned in* *King Ed-  
 ward the  
 third.*  
*his place; who, (if we respect either Valour, Pro-  
 wess, length of Reign, Acts of Chivalry, or the  
 multitude of famous Princes his Children left be-  
 hind him) was one of the noblest Kings that ever  
 England had, though he were chosen in the place  
 of a very evil one, as you have seen.*

But what shall we say? Is this worthiness which  
 God giveth commonly to the Successors at these  
 changes, perpetual or certain by Descent? No  
 truly: nor the example of one Prince's punishment  
 maketh another to beware, for the next Successor  
 after this noble Edward, which was King Richard  
 the second, though he were not his Son, but his  
 Sons Son, to wit, Son and Heir to the renowned  
 Black Prince of Wales. This Richard (I say) for-  
 getting the miserable end of his Great Grand-fa-  
 ther for evil Government, and the felicity and  
 virtue of his Father and Grand-father for the con-  
 trary, suffered himself to be abused and misled by  
 evil



King Richard the  
second Deposed.  
Polyd. l. 1.  
20. Hist.  
Aug. 1399.

evil Counsellors, to the great hurt and disquiet of the Realm: For which cause (after he had reigned 22 years) he was also Deposed by Act of Parliament holden in London in the year of our Lord 1399. and condemned to perpetual Imprisonment in the Castle of Pontefract, where he was soon after put to death also, and used as the other before had been: And in this man's place (by free Election) was chosen for King the noble Knight Henry Duke of Lancaster, who proved afterwards so notable a King, as the World knoweth, and was Father to King Henry the fifth, commonly called the Alexander of England; for that as Alexander the Great conquered the most part of Asia in the space of 9 or 10 years, so did this Henry conquer France in less than the like time.

King Henry the 6th.  
Deposed.

Polyd. lib.  
23. Hist.  
Anglic.

I might reckon also in this number of Princes Deposed for defect in Government, (though otherwise he were no evil man in life) this King Henry the fourths Nephew, I mean King Henry the sixth, who after almost forty years Reign was Deposed, and Imprisoned, and put to death also, together with his Son the Prince of Wales, by Edward the fourth of the House of York; and the same was confirmed by the Commons, and especially by the people of London, and afterwards also by publick Act of Parliament, in respect not only of the Title which King Edward pretended, but also, and especially, for that King Henry did suffer himself to be over-ruled by the Queen his Wife, and had broken the Articles of Agreement, made by the Parliament, between him and the Duke of York, and solemnly sworn on both sides the 8th. of October, in the year 1459: In punishment whereof, and of his other negligent and evil Government; (though for his own particular Life he was a good man, as hath been said) Sentence was given against him, partly by Force and partly by

by Law, and King *Edward* the fourth was put in his place, who was no evil King, as all *Englishmen* well know, but one of the renowned for martial Acts and Justice that hath worn the *English* Crown.

But after this man again, there fell another accident much more notorious, which was, That *Richard* Duke of *Glocester*, this King *Edward*'s younger Brother, did put to death his two Nephews, this man's Children, viz. King *Edward* the 5th. and his little Brother, and made himself King; And albeit he sinned grievously by taking the Crown in this wicked manner, yet when his Nephews were once dead, he might in reason seem to be lawful King, both in respect that he was next Male in Bloud after his Brother; as also for that by divers Acts of Parliament, both before and after the death of those Infants, his Title was authorized and made good, and yet no man will say (I think) but that he was lawfully deposed again afterwards by the Commonwealth, which called out of *France* *Henry* Earl of *Richmond* to chastize him, and to put him down; and so he did, and took from him both Life and Kingdom in the Field, and was King himself after him by the Name of King *Henry* the seventh; And no man (I suppose) will say but that he was lawful King also, which yet cannot be, except the other might be lawfully deposed; And moreover, as I said at the beginning, I would have you consider, in all these mutations, what men commonly have succeeded in the places of such as have been deposed; as namely in *England* in the place of those five Kings before-named that were deprived, viz. *John*, *Edward* the second, *Richard* the second, *Henry* the sixth and *Richard* the third; there have succeeded, the three *Henries*, to wit, the third, fourth and seventh, and two *Edwards*, the third and fourth, all most rare and

K. Rich  
the thir  
deposed.

An. 1

A pos  
much  
noted.

valiant Princes, who have done infinite important Acts in their Commonwealths; and among other have raised many Houses to the Nobility, put down others, changed States both abroad and at home, distributed Ecclesiastical Dignities, altered the course of Descent in the Bloud-Royal, and the like; all which was unjust, and is void at this day, if the changes and deprivations of the former Princes could not be made; and consequently none of these that do pretend to the Crown of *England* at this day can have any Title at all, because they descend from those men who were put up in place of the Deprived.

And this may be sufficient for proof of the two principal points which you required to be discussed in the beginning of this Speech, viz. *That lawful Princes have oftentimes by their Commonwealths been lawfully deposed for misgovernment; and that God hath allowed of, and assisted the same with good success unto the Weal-publick;* And if this be so, or might be so in Kings lawfully set in possession, then much more hath the said Commonwealth Power and Authority to alter the Succession of such as do but yet pretend to that Dignity, if there be due reason and causes for the same, which is the head point that first we began to treat of, said the Civillian; and with this ended he his Speech, without saying any more.

**Wherein**

CHAP. IV.

*Wherein consisteth principally the lawfulness of Proceeding against Princes, which in the former Chapter is mentioned. What Interest Princes have in their Subjects Goods, or Lives; How Oaths doth bind, or may be broken by Subjects towards Princes: And finally, the difference between a good King, and a Tyrant.*

**W**Hen the Civilian had ended his Speech, the Temporal Lawyer looked upon the standers by, to see whether any would reply or no, and perceiving all to hold their peace, he began to say in this manner: Truly Sir I cannot deny, but the examples are many that you have alledged, and they seem to prove sufficiently that which you affirmed at the beginning; to wit, that the Princes by you named, were deprived, and put down by their Common-Wealths, for their evil Government: And good Successors commonly raised up in their places, and that the Common-Wealth had Authority also to do it; I do not greatly doubt, at least wise, they did it *de facto*, and now to call these facts in question, were to imbroyl and turn up-side-down all the states of Christendom, as you have well signified; but yet for that you have added this word Lawfully so many times, in the course of your narration, I would you took the pains to tell us also, by what Law they did the same, seeing that *Belloy*, whom you have named before, and some other of his opinion do affirm; that albeit, by nature, the Commonwealth

*The reply of the Temporal Lawyer.*

*Belloy apolog. Cathol. l.c. part 2. Paragraph. 9. & Apol. pro. Regu. cap. 9.*

E 2

have

have authority over the Prince; to choose and appoint him at the beginning, as you have well proved out of *Aristotle*, and other ways: Yet having once made him, and given up all their Authority unto him, he is now no more Subject to their Correction, or Restraint, but remaineth Absolute of himself, without respect to any, but only to God alone, which they prove by the example of every particular Man, that hath Authority to make his Master or Prince, of his Inferior; but not afterwards to put him down again, or to Deprive him of the Authority which he gave him, though he should not bear himself well and gratefully, but Discourteous rather, and Injuriously towards him that gave him first this Authority.

An objection  
of the  
Prophet  
Samuel.

1. Reg. 8.

The Power  
of a King  
or rather of  
a Tyrant.

To which also they do alledge, the Speech of the Prophet *Samuel*, in the first Book of the *Kings*, where the People of *Israel* demanded to have a King to Govern over them, as other Nations round about them had, and to leave the Government of the *High Priests*, under whom at that day they were. At which demand, both God himself, and *Samuel*, were grievously offended; and *Samuel* (by Gods express order,) protested unto them in this manner, *Well (quoth he) you will have a King, hearken then to this that I will say. Hoc erit jus regis, qui imperaturus est vobis.* This shall be the Right and Power of the King that shall rule over you; to wit, 'He shall take from you your Children, both Sons and Daughters, your Fields and Vineyards, your Harvest also, and Rents, your Servants, Hand-maids, and Herds of Cattel, and shall give them to his Servants, and you shall Cry unto God in that day, from the face of this your King, whom you have chosen, and God shall not hear you, for that you have demanded a King to Govern you. Thus far the Prophet :

Out

Out of all which discourse and Speech of the Prophet, these Men degather, that a King is nothing so restrained in his Power, or Limited to Law as you have affirmed, but rather that his Law is his own will, as by the Words of the Prophet may appear; and much less may the Commonwealth Chastise or Deprive him for exceeding the Limits of Law, or doing his will, seeing that herein this place, God doth foretel, that Princes oftentimes shall commit excesses and injuries, and yet doth he not therefore will them to Chasten or Depose them for the same, but rather insinuateth that they must take it patiently for their Sins, and cry to God for remedy and help therein, though he do not at the first hearken to them, or grant their redress: Hitherto the Temporal Lawyer,

Whereunto answered the Civilian, that he confessed that *Belloy* and others his Companions, that Wrote in flattery of Princes in these our days, did not only affirm these things that the Temporal Lawyer had alledged; and that Princes were Lawless and Subject to no accompt, reason, or correction, whatsoever they did, but also (which is yet more absurd and pernicious to all Commonwealths) that all Goods, Chattels, Possessions, and whatsoever else commodities Temporal, of the Commonwealth, are properly the Kings, and that their Subjects have only the use thereof, without any propriety at all, so as when the King, he may take it from them by right, without injustice or injury, which assertions do overthrow wholly the very nature and substance of a Commonwealth, it self.

For first, to say that a King is Subject to no Law or Limitation at all, but may do what he will, is against all that I have alledged before of the very Institution of a Commonwealth, which was to live together in Justice and Order; and as I shewed out of *Cicero*, speaking of the first Kings, *Justicia*

*Belloy*  
polog. p.  
2. Para  
& Apol  
rege. c.  
& 24. &c

*Great a*  
*furditia*  
*flaterias*

Cic. lib. 2.  
offic.

*fructu causa benemorat Reges olim sunt constituti.*  
For enjoying of Justice, were Kings appointed in old time that were of good life; but if they be bound to no Justice at all, but must be born with and obeyed, be they never so Wicked, then is this end and butt of the Commonwealth, and of all Royal Authority, utterly frustrate: Then may we set up publick Murderers, Ravishers, Thieves, and Spoylers to devour us, instead of a King and Governours to defend us, for such indeed are Kings that follow no Law, but Passion and Sensuality, and do commit injustice, by their publick Authority; And then finally, were all those Kings before mentioned, both of the *Jews, Gentiles, and Christians*, unlawfully deprived, and their Successors unlawfully put up in their places; and consequently all Princes living in *Christianity* at this day, who are descended of them, are intruders, and no Lawful Princes.

Another  
absurdity.

Institut.  
Imperial  
l. 2. Tit. 1.

Division  
of goods by  
Civil Law.

By the second saying also, that all Temporalities are properly the Princes, and that Subjects have only the use thereof without any interest of their own, no less Absurdities do follow, then of the former assertion; For that first, it is against the very first principle and foundation of our Civil Law, which at the first entrance and beginning maketh this division of goods; *That some are common by nature to all Men, as the Air, the Sea, and the like, others are publick to all of one City or Countrey, but yet not common to all in general, as Rivers, Ports, and other such: Some are of the Community of a City or Commonwealth, but yet not common to every particular Person of that City, as common Rents, Theaters, the publick Houses, and the like: Some are of none, nor properly of any mans goods, as Churches and sacred Things; And some are proper to particular Men, as those which every Man possesseth of his own.* Which division, of *Justinian the Emperour*, and

and his most learned Lawyers is not good, if the Prince be Lord Proprietor of all: Nay, he that made this Division, being Emperour, did great injury also to himself, in assigning that to others which by the opinion of *Belloy* and his Fellows was properly and truly his own, in that he was Emperour and Lord of the World.

Besides all this, so absurd a saying is this, as it overthroweth the whole nature of a Commonwealth it self, and maketh all Subjects to be but very slaves: For that Slaves and Bond-men (as *Aristotle* saith) in this do differ from Free-men, that Slaves have only the use of things without Property or Interest, and cannot acquire or get to themselves any Dominion or true Right in anything; for that whatsoever they do get accrueeth to their Master, and not to themselves; And for that the condition of an Ox or an Ass is the very same in respect of a poor man that hath no Slave, for that the Ox or Ass getteth nothing to himself, but only to his Master, and can be Lord of nothing of that for which he laboureth: For this cause also wittily said *Aristotle*, That (*Bos aut Asinus pauperi Agricola pro servo est*;) an Ox or an Ass is to a poor Husbandman instead of a Bond-man: And so seeing that *Belloy* will needs have the state and condition of all Subjects to be like unto this in respect of their Prince, and that they have nothing in propriety but only the use, and that all Dominion is properly the Prince's; What doth the other then make all Subjects not only Slaves, but also Oxen and Asses, and *pecora campi*.

Slaves and Freemen.

Arist. 1. 2. pol. c. 4.

Arist. 1. c. 3.

Mark the Reason.

Last of all, (for I will not over-load you with reasons in a matter so evident) if all Subjects Goods be properly the Kings, why then was *Ahab* and *Jezabel*, King and Queen of *Israel*, so reprehended by *Elisba*, and so punished by God, for taking away *Naboth's* Vineyard, seeing they took

Divers evident reasons against *Belloy*.



Reg. 21. but that which was their own? Nay, why was not *Naboth* accused of Iniquity, Rebellion and Treason, for that he did not yield up presently his Vineyard, when his Sovereigns demanded the same, seeing it was not his but theirs? Why do the Kings of *England, France* and *Spain* ask money of their Subjects in Parliaments, if they might take it as their own? Why are those Contributions termed by the Names of Subsidies, Helps, Benevolences, Lances, Prests, *Contributions*, and the like, if all be due, and not voluntary on the Subject's part? How have Parliaments oftentimes denied to their Princes such helps as they demanded? Why are there Judges appointed to determine matter of Suits and Pleas between the Prince and his Subjects, if all be his, and the Subject have nothing of his own? And last of all, why doth the Canon-law (which is part also of my profession, and received in most Countries of the World) so straitly inhibit all Princes, upon pain of Excommunication, to impose new Impositions and Taxes upon their people without great consideration and necessity, and free consent of the Givers, if all be the Princes, and nothing of the Subjects? Nay, why be all Princes generally at this day prohibited to alienate any thing of their own Crown, without consent of their people, if they only be Lords of all, and the people have interest in nothing?

Cap. in-  
vamus 10.  
de cauebus  
&c. super  
quibusdam  
26. §. de  
verborum  
signif.

An Answer  
to the Ob-  
jection out  
of the Pro-  
phet Samu-  
el.

And hereby also we may gather what the Prophet *Samuel* meant when he threatened the *Jews* with the disorders of Kings that should reign over them, not that these disorders were lawful, or appertained to a righteous King, but that seeing they refused to be under the moderate Government of their High-Priests and other Governours which God had given to them hitherto, and required to be ruled by Kings, as the Heathen Nations of *Egypt, Babylon, Syria* and *Persia* were, whose manner

manner of Government not only Historiographers but Philosophers also, and *Aristotle* among the rest, doth note to have been very Tyrannical; yet since the *Jews* would needs have that Government as a matter of more Pomp and Glory than that which hitherto they had had, *Samuel* did first insinuate unto them what Extortion and Wickedness those Heathen Kings did use commonly over their people, in taking their Children, Servants, Wives, Goods, and the like from them, and that many Kings of *Israel* should do the like, and take it for their Right and Sovereignty, and should oppress and tyrannize over them, and inforce them to cry out to God for help, and they should not find remedy, for that so headily they had demanded this change of Government, which highly displeased Almighty God; And this is the true meaning of that place, if it be well considered, and not to authorize hereby Injustice or Wickedness in any King, seeing the principal points recorded to all Princes and Kings throughout the whole course of Scripture, are *diligere judicium & justitiam, apprehendere Disciplinam, & facere veritatem*; that is to say, To love Judgment and Justice, to admit Discipline, and to execute Truth: And this is the Instruction that God gave to the *Jews* (in *Deuteronomy*) for their Kings, when they should have them, which God fore-told many years before they had any; And this is the Admonition that King *David* left unto his Son and Successor *Solomon* at his death, and by him to all other Kings and Princes; And for want of observing these points of Judgment, Justice, Discipline and Truth, we see not only *Ahab* and *Jezabel* before-mentioned grievously punished, but many other Kings also by God himself, as *Ahaz*, *Manasses*, *Joachim* and the like, which had not been Justice on God's part to punish them, if it had been lawful for them to use

*Arist. l.*  
*pol. c. 1*  
*Joseph. l.*  
*antiq. c.*

*Deut. 1*  
*3 Reg.*  
*& 10.*  
*Psal. 2.*

use what manner of proceeding towards their people, as these good Instructors of Princes in our days, most fondly and wickedly do affirm: And thus much for that place.

*By what  
Law Prin-  
ces are pu-  
nished.*

But to the first point which you asked, by what Law the Commonwealths that are mentioned in the former Chapters did punish their evil Princes? I have answered you before, that it is by all Law, both Divine and Humane: Divine, for that God doth approve that form of Government which every Commonwealth doth choose unto it self, as also the Conditions, Statutes and Limitations which it self shall appoint unto her Princes, as largely before hath been declared: And by all Humane Law also; for that all Law, both natural, national and positive, doth teach us, That Princes are subject to Law and Order, and that the Commonwealth which gave them their Authority for the common good of all, may also restrain or take the same away again, if they abuse it to the common evil.

*The difference be-  
tween a  
private  
man and a  
Common-  
wealth.*

And whereas these men say, That like as if a private man should make his inferiour or equal to be his Prince, he could not after restrain the same again, and so neither the Commonwealth, having once delivered away her Authority: I answer, first, That the comparison is not altogether like, for that a private man, though he give his voice to make a Prince, yet he (being but one) maketh not a Prince as the Commonwealth doth, and therefore no marvel though it lie not in a particular man to unmake him again; Besides this, a private man having given his voice to make his Prince, remaineth subject and inferiour to the same, but the whole Body (though it be governed by the Prince as by the Head, yet) is not inferiour, but superiour to the Prince; neither so giveth the Commonwealth her Authority and Power up to any Prince

Prince, that she depriveth her self utterly of the same, when need shall require to use it for her defence, for which she gave it.

And finally, (which is the chiefest reason of all, and the very ground and foundation indeed of all Kings Authority among Christians) the Power and Authority which the Prince hath from the Commonwealth is (in very truth) not absolute, but *potestas vicaria, or delegata*, as we Civilians call it; that is to say, a *power delegated, or power by Commission from the Commonwealth*, which is given with such restrictions, cautions and conditions, yea, with such plain Exceptions, Promises and Oaths of both parties, (I mean between the King and Commonwealth, at the day of Admission or Coronation) as if the same be not kept, but wilfully broken; on either part, then is the other not bound to observe his Promise neither, though never so solemnly made or sworn, for that in all Bargains, Agreements and Contracts, where one part is bound mutually and reciprocally to the other, by Oath, Vow, or Condition there, if one side go from his promise, the other standeth not obliged to perform his: And this is so notorious by all Law, both of Nature and Nations, and so conform to all Reason and Equiry, that it is put among the very Rules of both the Civil and Canon-Law, where it is said, *Frustra fidem sibi quis postulat servari ab eo, cui fidem à se prestituram servare recusat*; He doth in vain require promise to be kept unto him at another mans hands, to whom he refuseth to perform that which himself promised. And again, *Non abstringitur quis juramento ad implendum, quod juravit, si ab alio parte non impletur, cuius respectu præbitur juramentum*; A man is not bound to perform that which by Oath he promised, if on the other part that be not performed in respect whereof this Oath was made: As for Example; If two should swear the

The Prince  
Authority  
but subde  
legat.

In regulis  
utrinque  
juris vide  
in fine sex-  
ti Decret.  
reg. 75. 69

the one to assist the other upon the way in all respects, and after falling upon enemies that were either Kin or Friends to the one of them, and he should take their part against his fellow, cleer it is, that the other was not bound to keep his Oath towards that party, that hath so wickedly broken it to him:

*When an Oath bindeth not.*

Nay not only in this case, that is so evident, and palpable by Nature it self, but in many other also, it is both lawful, honest, and convenient, to leave some time the performance of our Oath, as namely when the fulfilling thereof, should come in any notable hurt or inconveniency against Religion, Piety, Justice, Honesty, or the weal-publick, or against the party himself to whom it was made; as if a Man had Sworn to restore a Sword to a mad or furious Man, wherewith it were likely he would destroy himself and others, and other like cases, which *Cicero* putteth down in his first Book of *Offices*, and deduceth them from the very ground of nature, and reason it self, and sayeth, *That it were contrary to the Duty of a Good or Honest Man, in such cases to perform his promise.*

*Cicero li. 1. Offic.*

*A clear Example.*

*Math. 24.*

Our Divines also do alledge the example of *Herod*, that had Sworn to the Daughter of *Herodias*, to give her what she demanded, who demanding the Head of *St. Iohn Baptist*, though *Herod* were sorry for the same, yet saith the Text, *That for his Oaths sake, he commanded it to be performed*, which yet no Man will deny, but that it had been far better left unperformed, and the Oath better broken then fulfilled, according to another rule of the Law, which sayeth, *In malis promissis fidem non expedit observari*, it is not expedient to keep our promise in things evil promised,

*Regul. 68. in fine 6. Decret.*

And

And finally to this purpose, to wit, to determine how many ways an Oath may be lawfully broken, or not kept, there is a whole title in the *Canon-Law*, containing 36. Chapters, wherein are set down many and divers most excellent and evident cases about the same, determined by *Gregory* the first, and other ancient Popes and Doctors; and in the second part of the *Decretal*, there is alledged this sentence out of *Isidorus*, and Established for Law. *In malis promissis rescinde fidem, in turpi voto muta decretum, impia enim promissio, qua scelere impletur*, that is, In evil promises perform not your word, in an unlawful Vow or Oath, change your determination, for it is an impious promise, which cannot be fulfilled, but with wickedness, and the very same matter is handled in the Question following, which is the fifth throughout 23: whole Chapters together.

Decret.  
Greg. 1.  
Tit. 24.

Decret.  
part. 2. ca.  
sa 22. qu.  
4. c. 5.  
qu. 5. per  
totum.

So as nothing is more largely handled in our Law, both *Civil and Canon*, then this matter of promises, and others, how and when, and why, and in what case, they hold or bind, and when not. All which to apply it now unto our matter of Kings, that we have in hand; We are to understand, that two evident Cases are touched here as you see, when a Subjects Oath or Promise of obedience, may be left unperformed towards his Prince: The first, when the Prince observeth not at all his promise and Oath made to the Commonwealth, at his admission or Coronation, and the other when it should turn to the notable damage of the weal-publick, (for whose only good the Princes Office was ordained, as often before hath been said and proved) if the Subject should keep and perform his Oath and promise made unto his Prince.

Two principle cases  
when Oath  
hold not  
towards a  
Prince,

And both these cases are touched in the deprivation of *Childerike* the last King of *France*, of the first

Æmil. l. 2.  
Hist. Franc.  
Belfor. in  
vita Child-  
erick Girad.  
lib. 3.

first Line of *Pharamond*, which was recounted in the former Chapter, for that as *Paulus Æmilius*, *Belforsst*, *Girard*, and other French stories do testify, the Bishop of *Wurtsburg*, that in the name of all the Nobility and Commonwealth of *France*, made his Speech to *Zacharie* the Pope, for his Deposition, and for the Election of *Pepin* in his place, alledged these two Reasons, saying,

The Speech  
of the Fren.  
Embassador  
for depri-  
vation of  
their King.

‘*Truth it is, that the French have Sworn fidelity unto Childerick, as to their true and natural King, but yet with condition, that he on his part should also perform the points that are incident to his Office, which are, to defend the Commonwealth, protect the Church of Christ, resist the Wicked, advance the Good, and be like: and if he do this, then the French are ready to continue their Obedience and Allegiance unto him: But if he be apt for none of these things, neither fit, either for a Captain in War, or for a Head in Peace, and if nothing else may be expected whilst he is King, but detriment to the State, Ignominy to the Nation, danger to Christian Religion, and Destruction to the weal-publick: Then it is lawful for you no doubt (most Holy Father) to deliver the French from this band of their Oath, and to testify that no promise can bind this Nation in particular, to that which may be hurtful to all Christendoms in general. Thus far that Bishop, and his Speech was allowed, and Childerick Deposed, and Pepin made King in his place, as the World knoweth.*

The conclu-  
sion how,  
when Oaths  
do not bind  
Subjects

By this then you see, said the Civilian Lawyer, the ground whereon dependeth the righteous and lawful Deposition and Chastisement of Wicked Princes, to wit, their failing in their Oaths and Promises, which they made at their first entrance, that they would Rule and Govern justly, according to Law, Conscience, Equity, and Religion; wherein when they fail, or wilfully decline, cast-  
ing

ing behind them all respect of obligation and duty, to the end for which they were made Princes, and advanced in dignity above the rest; then is the Commonwealth not only free from all Oaths made by her of Obedience or Allegiance to such unworthy Princes, but is bound moreover for saving the whole Body, to Resist, Chasten, and Remove such evil Heads, if she be able, for that otherwise all would come to Destruction, Ruine, and publick Desolation.

And here now come in, all those considerations which old Philosophers, Law-makers, and such others as have treated of Commonwealths, are wont to lay down, of the difference and contrariety between a King and a Tyrant, for that a King (as both *Plato* and *Aristotle* do declare) when once he declineth from his duty, becometh a Tyrant, that is to say, *Of the best and most Sovereign thing upon Earth, the worst and most hurtful Creature under Heaven, for that as the end and Office of a King, is to make happy his Commonwealth, so the end of a Tyrant is to destroy the same.* And finally, the whole difference is reduced to the principal head that before I have mentioned, to wit, that a King ruleth according to Equity, Oath, Conscience, Justice, and Law prescribed unto him: And the other is Enemy to all these conditions, whereof if you will read many more particulars, and signs to know a Tyrant by, I will remit you to a special Book set forth of this matter, by one *Bartolus*, Father (as you know) of our Civil Law, where the matter is handled largely: as also how lawful and commendable it is to resist any Tyrant. And finally, he concludeth with *Cicero* in his Books *de legibus*, where he saith, *ut populus Magistratibus, ita Magistratus presunt leges.* A good Prince or Magistrate maketh his account, that as he is over the People, so Laws are over him, and a Tyrant

*The difference between a King and a Tyrant.*

*Plat. dial. 1. de repub. Arist. li. 2. Pol. c. 5.*

*Bart. li. de Tyrannide.*

*Cicero. li. 3. de legibus.*



God. l. 1.  
Tit. 14 §  
digna.

Sect. c. 23.  
in Calig.

Zon. tom. 2  
in Trajan.

See in the  
Chapter  
following.

The Speech  
of a Sol-  
dier.

rant the Contrary. And greatly is commended the saying of *Theodosius* and *Valentinian*, two worthy Emperours, recorded in our Civil Law, who said, *Digna vox est Majestate regnantis legibus se alligatum sateri*. It is a Speech worthy of the Majesty of him that Reigneth, to confess that he is bound unto the Laws, and the contrary saying of the Tyrant *Cajus Caligula*, is justly detested by all Writers. who said unto one, as *Suetonius* reporteth. *Memento mihi omnia & in omnes licere*, remember, that all things are lawful unto me, and against all Men without exception. The saying also of the famous Emperour *Trajan* deserveth Immortal Memory and commendation: who when he delivered the Sword to a Pretor or Governour of *Rome*, to do Justice; he added these Words, *Take this Sword, and if I do Reign justly, use it for me, and if not, then use it against me*. Which in effect and substance are the very same Words which our Christian Princes at this day do use at their Entrance and Coronations, when they promise and Swear to rule justly, and according to the Laws, Statutes, and Ordinances of their Countrey; And upon that condition do take the Oaths of their Subjects Obedience, protesting therewithal, *That if they perform not this, that then their Subjects are free, as before from all Allegiance*, and then may the Commonwealth, as also the very Officers themselves of such a King, use their Sword against him, who gave it to them, for the publick good, if need so require, as Train Commanders.

It was truly the Words of a Noble Prince, said a certain Captain of the Company there present, and rightly deserved he to be well obeyed, who gave so liberal and just a Commission to be disobeyed: But for that you said, they that are Princes now adays do the like in effect, at their admission to Government, and at their Coronations:

I would be glad to hear what they say or Swear at this their entrance, for certain I am that afterwards I find very few Princes, that are contented to have this point put in Execution, I mean to be disobeyed whatsoever they do, or howsoever they Live: And moreover I say, that whatsoever you Lawyers sit and talk of Princes right in your Studies, yet I find no way but Hanging for a Man of my profession, if he shall disobey the worst Prince that liveth; and you Lawyers will be the first that shall give sentence against him, if he chance to come before you in Judgment.

True it is, (said the Civilian,) where Martial Authority taketh place there's no question of right availeth to be disputed; and if a Lawyer or any other Man else, be in fear or danger of his own Life, he will rather give Sentence against another, then receive it against himself; but we talk not here what Men may be driven to do by fear or force of evil Princes, but what in right Equiry, and good Conscience may be done: And this not so much by private or particular Men, (who may not be over busie in examining Princes rights, or whether they perform their Duties or no) as by the Commonwealth, upon urgent necessity and due deliberation had, against evil Princes, that break openly their Oaths and Promises made at their first entrance, which promises, for that you are desirous to understand them, I am content to pass over all unto this point, and so much the rather, for that it maketh much to the purpose we have in hand; or rather it is, the very true ground indeed, both of lawful Government and Subjection, among Christian People.

*The occasion of the next Chapter.*

For that by this Oath, both the Prince and Subject do come to know and agree upon their duties and obligations the one towards the other, as also both of them, towards God and their Na-

tive Countrey. But for that this morning seemeth now much spent, and my stomach telleth me that our Dinner cannot be far off, let us defer this matter if you please until the afternoon, at what time, we shall Crown a King between us here; with much more facility when we shall have less occasions of hunger to distract our cogitations.

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## CHAP. V.

*Of the Coronations of Princes, and manner of their Admission to their Authority, and the Oaths which they do make in the same unto the Commonwealth, for their good Government.*

*The first ground of Laws and Limits to Princes.*

**D**inner being ended, the Civilian Lawyer began to prosecute the matter propounded in the end of the former Chapter, concerning Oaths and Promises made by Princes at their first admission to Government; wherein first he declared that for as much as not Nature, but the Election and consent of the People, had made their first Princes from the beginning of the World, as largely before and often had been demonstrated: most certain it appears, and conform to all Reason, that they were not preferred to this eminent Power and Dignity over others, without some conditions and promises made also on their parts, for using well this Supreme Authority given unto them; seeing it is not likely (quoth he) that any People would ever yield to put their Lives, Goods, and Liberties in the hands of another, without some promise and assurance of Justice and Equity to be used towards them; and hereof he said it came to pass, that  
both

both the *Romans* and *Greeks* prescribed shote laws and limits to their ancient Kings which before have been specified.

And in every Commonwealth, the more orderly the Prince cometh to his Crown and Dignity, the more expresse and certain have been ever these conditions and agreements between him and the people; as on the other side, the more violently the Prince getteth his Authority, or by Tyranny and Disorder, as those ancient and first Tyrants of *Assyria*, to wit, *Nimrod*, *Belus*, and the like, that by meer force and guile got rule over the others, and the old Kings of *Egypt* and *Babylon*, and those of the *Roman* Emperours, that by violence of Souldiers only got into the Royal Seat, and all such as at this day do get by force to reign among the *Turks*. Among these (I say) it is no marvel that few conditions of just dealing may be expected, though I doubt not but yet to their Followers and Advancers these men also do make large promises of good Government at the beginning, as all ambitious men are wont to do, though with little intention of performance.

*Entrance of  
Tyrants in-  
to their  
Govern-  
ment.*

But in all good and well-ordered Commonwealths, where matters pass by Reason, Conscience, Wisdom and Consultation, and especially since Christian Religion hath prevailed, and given perfection to that natural light which moral good men had before in matters of Government: since that time (I say) this point of mutual and reciprocal Oaths between Princes and Subjects, at the day of their Coronation or Admission (for all are not Crowned) have been much more established, made clear and put in ure. And this form of agreement and convention between the Commonwealth and the Christian Head or King, hath been reduced to a more Sacred and Religious kind of Union and Concord than before; for that the

*The Rites  
of Admit-  
ting Chri-  
stian Kings*

whole action hath been done by Bishops and Ecclesiastical Prelates, and the Astipulation and Promises made on both sides, have passed and been given, received and registred with great reverence in sacred places, and with great solemnity of Religious Ceremonies, which before were not so much used, though there were some. And therefore our Examples at this time shall be only of Christian Commonwealths, for that they are more peculiarly to our purpose, as you will confess.

*The manner of admitting Greek Emperours at their Coronation.*

First then, to begin with the East or *Greek* Emperours of *Constantinople*, as the most ancient among other, for that after the Empire once translated from *Rome* to *Constantinople* by our *Constantine the Great*, the first Christian Emperour that ever did publicly shew himself for such, These *Greek* Emperours were the most eminent Princes in all Christianity, among whom I do find that albeit their coming to the Crown were nothing so orderly for the most part as at this day it is used, but many times the means thereof were turbulent and seditious; yet find I (as I say) that above a Thousand years ago, they were wont to have an Oath exacted at their hands by the *Patriarch* of *Constantinople*, who was their chief Prelate: For thus writeth *Zonaras* of the Coronation of *Anastatinus* the first, that succeeded *Zeno*, about the year of Christ 524. *Antequam coronaretur, Fidei confessionem scriptam, qua polliceretur, se in dogmatibus Ecclesiasticis nihil esse novaturum, ab eo accepit Patriarcha Euphemius vir sanctus & orthodoxus.* The *Patriarch Euphemius* being a Holy and Catholick man, required of *Anastatinus*, elected Emperour, before he was Crowned, a Confession in Writing, wherein he should promise to change or innovate nothing in matters pertaining to the Doctrine of the Church. Thus much

*Zonar. tom. 3. Annal. in vita Anastas. Niceph. l. 16. c. 29. Evagr. l. 2. cap. 32.*

*Zonaras*

Zonaras; and the same have Nicephorus Evagrius and others.

And not only this, but divers other conditions also, doth the same Author insinuate that this Anastatius promised at his Coronation, before he could be Crowned; as (among other things) the taking away of certain Tributes and Impositions, the giving of Offices without Money, and other such like points, appertaining to Reformation and good Government, which he performed for a time, in the beginning of his Government; but afterwards fell into the Heresies of the *Entichians*, and banished this good *Patriarch Euphemius*, that had Crowned him; and he thrived thereafter, for that he was slain by a Thunder-bolt from Heaven, after he had reigned 27 years, and was accounted for a very wicked man by all Writers, for that he had broken (as they said) the Conditions, *quas gravi juramento scriptis relato confirmasset*. That is to say, The conditions which he had confirmed and avowed with a grave Oath; as saith *Evagrius*.

The like I read about 300 years after (recorded by the same Author) of the Emperour *Michael* the first, in these words. *Michael ubi diluxit, magnam ecclesiam ingressus, à Patriarcha Nicephoro imperatoris diademate est ornatus, postulato prius scripto, qua promitteret, se nulla ecclesia infusa violaturum, neque Christianorum Sanguine manus contaminaturum*: Which is, *Michael* (now chosen Emperour) came early in the morning into the great Church of Constantinople, and was Crowned there with the Imperial Crown, by the hands of *Nicephorus* the Patriarch; But yet so, as he was first required so swear and promise by writing, That he would not violate the Ordinances of the Church, nor contaminate his hands with Christian Blood: Which (in effect) is as much as to say, That he should reign godly and justly. And many other such Examples might

Ubi supr.  
The Grecian Emperors Oath.

Zen. tom. 3 in vita Mich. An. 820.

be alledged; but by this it is easie to see what was the fashion of Admitting and Crowning those *Grecian* Emperours by their *Patriarchs*, in the Name of all the Commonwealth, which Commonwealth was not satisfied with an Oath; except also it were set down in writing.

And if we pass to the *Latine* and *West* Empire, which about this very time was restored by *Zachary* the Pope, and by the whole Commonwealth of *Rome*, (as before hath been shewed, and was given to *Charles the Great* and his Posterity,) we shall find that this point is more settled and more inviolably kept yet in this Empire, than in the other; for albeit this Empire of the *West* went by Succession for the most part at the beginning, until afterwards it was appointed by Pope *Gregory* the fifth to pass by Election of certain Princes in *Germany*, that now enjoy that priviledge to be Electors; Yet shall we see always that they, even before this constitution, when this Dignity went by Succession, were never admitted to the same, without this circumstance of swearing to conditions of righteous Government: The form and manner of which admission, for I find it set down more perfectly and particularly in the Coronation of *Otho* the first, than of any other Emperour, and that by many Authors, and that this *Otho* was Son and Heir unto the most famous Emperour *Henry*, the first of that Name, Duke of *Saxony*, surnamed *the Faulkner*, for the great delight he had in the flight of Faulcons: For these causes I mean to begin with the Coronation of this man before any other.

Saxo.  
Oram. l. 10  
Cranzius  
l. 3. me.  
trop. c. 12.

The Crowning of  
*Otho* the  
first.

This *Otho* then, Son (as I have said) to *Henry* the first, though being his eldest Son, he was also his Heir, and so named by *Henry* himself to the Inheritance of the said Crown of *Germany*, yet was he not admitted thereunto until he made his Oath

Oath and received his new approbation by the people; for the story saith, That the Archbishop of *Moguntia* (who is the chief Primate of all Germany) bringing him to the Altar where he must swear, said these words unto the people; *Behold I bring you here Otho, chosen by God, and appointed out by his Father Henry our Lord, and now made King by all the Princes of this Empire; If this Election please you, do you signify the same by holding up your hands to Heaven.* Thus far are the words of the Historiographer; And then he addeth, *That all held up their hands, and that thereupon the said Archbishop turned about to the Altar, where lay all the Ornaments and Ensigns of the Empire, as the Sword with the Girdle, the Cloke with the Bracelets, the Staff with the Scepter, and Diadem, every one whereof the Archbishop put upon the Emperour, telling him the signification of each thing, and what it did bind him unto: As for example, when he put the Sword about him, he said, Accipe hunc Gladium, quo licet omnes Christi adversarios & malos Christianos, authoritate Divina per Episcopos tibi tradita; which is, Take unto thee this Sword, whereby thou maist drive away all the Enemies of Christ, whether they be barbarous Infidels or evil Christians, and this by the Authority of God delivered unto thee by us that are Bishops.*

Whiticundus Hist.  
Saxon. l. 1.

Ensigns of  
the Empire.

Witicund.  
l. 2.

And thus he did with all other Ornaments and Ensigns, telling the signification and obligation of every one, and taking the Emperour's promise to perform all.

And after all, the Historiographer concludeth thus; *Rex persusus Oleo sancto, coronatur Diademate aureo, ab Episcopis, & ab eisdem ad solium regale ducitur & in eo coelatur*, that is, The King being anointed with holy Oyl was crowned by the Bishops, and by the same was brought to the Royal Seat, and therein placed. This happened about

Ubi supra.



Election.

German  
Electors.Blend. de-  
cad. 2. l. 3  
Crant. l. 4.  
cap. 25.

the year of Christ 940. And the Ceremony is recounted more ample in this Mans Coronation, then in any other, both for that he was a very Noble Prince, and the very first of the *German* Nation, that was lawfully and orderly preferred to the Imperial Seat, after that it passed from the Children of *Charles* the Great; and there be divers points worthy the noting in this example, and among other, that albeit he were lawful King and Emperor by Succession, as also by appointment of his Father: Yet was he chosen and admitted again by the Prince and People, and that he Swore to fulfil all those points and conditions, which the signification of the Imperial Ornament did bind him unto.

After this, about sixteen years or more, *Pape Gregory* the fifth, in a Synod holden in *Rome*, did by the consent of *Otho* the third Emperour, and Nephew unto this other *Otho*, of whom we have now treated, appoint a certain Form of Election for the time to come of the *German* Emperour; to wit, that he should be chosen by six Princes of *Germany*, three Ecclesiastical, which are the Archbishops of *Moguntia*, *Colen*, and *Trevires*, and three Temporal Lords, to wit, the Duke of *Saxony*, the Count *Palatine* of *Rhene*, and the Marquess of *Brandenburg*; and when these six voices should happen to be equally divided, then that the Duke of *Bohemia* (for then it was no Kingdom) should have place also to determine the Election. All which was determined in the year of Christ 996. in *Rome*; and approved afterward by all the Princes of *Germany*, and allowed by all other Christian Princes, and States of the World, and so endureth unto this day. And among all other points, this of his Coronation and his Oath to be taken for his well Government, was and is most exactly set down, and recorded by many Historiographers of that time,

time, and since; But I shall alledge them out of *Sleyd. l. 1. Histor. An. 1519.*  
*John Sleydan*, as the most convenient Author for this our time and purpose.

First of all, then he Writeth that after any Man is chosen Emperour, he is to be called only *Cesar*, and the King of the *Romans*, and not *Emperour*, until he be Crowned, and the Conditions which he Sweareth unto, presently after his Election, *Are to defend the Christian and Catholick Religion, to defend the Pope and Church of Rome, whose Advocate he is, to Minister Justice equally to all, to follow Peace, to keep and observe all Laws, Rights, and Priviledges of the Empire, not to alienate or engage the possessions of the Empire, to condemn no Man without hearing his cause, but to suffer the course of Law to have its place, in all and whatsoever he shall do otherwise, that it be void and of no Validity at all.* *The manner of the Emperours coronation at this day* *Sleyd. ubi supra.*

Unto all these Articles, he Sweareth first by his Legates, and then he giveth a Copy of his Oath in Writing to every one of the six Electors, and after this he goeth to the City of *Aquis-gran* to be Crowned in that great Church; where, about the middle of the Mass, the Archbishop of *Coleu* goeth unto him in the presence of all the People, and asketh, *whether he be ready to Swear and promise to observe the Catholick Religion, defend the Church, Minister Justice, protect the Widows and Fatherless, and yield dutiful Honour and Obedience to the Pope of Rome?* Whereunto he answering, *That he is ready to do all this;* The Archbishop leadeth him to the high Altar, where he Sweareth in express words, all these Articles; which being done, the said Archbishop turning himself to the Princes of the Empire, and People there present, doth ask them, *Whether they be content to Swear Obedience and Fealty unto him?* Who answering *Yea;* He is Appointed by the said Archbishop before the Altar, and

*Interrogatories to the Emperour.*

## A Conference touching Succession

*Imperial  
Ornaments*

*Second  
Oath.*

*To be noted.*

*The man-  
ner of coro-  
nation in  
Polonia.*

and then do come the other two Archbishops of *Moguntia* and *Treviers*, and do lead him into the Vestery, where certain Deacons are ready to Apparell him in his Robes and do set him in a Chair, upon whom the Archbishop of *Coleu* sayeth certain Prayers; and then delivereth him a Sword drawn, and putting a Ring upon his finger, and giveth him a Scepter in his hand, and then all the three Archbishops together, do put on the Crown upon his head, and leading him so Crowned and Apparreled unto the high Altar again; He Sweareth the second time, *That he will do the part of a good Christian, and Catholick Emperor.* Which being ended, he is brought back and placed in the Imperial seat and Throne, where all the Princes of the Empire do Swear obedience and faith unto him, beginning with the three Archbishops, and continuing on with the three other Electors, and so all the rest in order, which is a notable and magestical manner of admitting and authorising of a Prince as you see, and it is to be marked among other things, that the Emperour Sweareth three times, once by his Deputies, and twice by Himself, before his Subjects Swear once unto him, and yet will *Belloy* as you have heard, needs have Subjects only bound to their Princes, and the Prince nothing at all bound to them again.

In *Polonia* (which being first a Dukedom was made a Kingdom, about the same time that this form of electing of the *German* Emperour was prescribed) the manner of Coronation of their King, is in substance the very same that we have declared to be of the Emperour.

For first of all, the Archbishop of *Gnesna* Metropolitan of all *Polonia*, cometh to the King standing before the high Altar, and sayeth unto him these words. *Whereas you are right Noble Prince to receive at our hands at this day, who are*  
(though

(*thought unworthily*) in place of Christ for execution of this Function, the sacred Anointing and other Ceremonies, Ensigns, and Ornaments appertaining to the Kings of this Land; it shall be well that we admonish you in a few words, what the charge importeth, which you are to take upon you, &c.

Alex. Guaguinerum  
Po lon.  
Tom. 1. &  
Oricho in  
Chimer. f.  
90, & 106.

Thus he beginneth; and after this, he declareth unto him for what end he is made King, what the obligation of that place and dignity bindeth him unto, and unto what points he must Swear, what do signifie the Sword, the Ring, the Scepter, and the Crown that he is to receive, and at the delivery of each of these things, he maketh both a short exhortation unto him, and prayer unto God for him. And the Kings Oath is in these Words.

*Promitto coram Deo & Angelis ejus. I do promise and Swear before God and his Angels, that I will do Law and Justice to all, and keep the Peace of Christ his Church and the union of his Catholick Faith, and will do and cause to be done, due and Canonical Honour unto the Bishops of this Land, and to the rest of the Clergy, and if (which God forbid) I should break my Oath, I am content that the Inhabitants of this Kingdom, owe no Duty or Obedience unto me as God shall help me, and Gods holy Gospels.*

The King of  
Poland's  
Oath.  
Bod. de rep.  
l. 2. c. 9.

After this Oath made by the King, and received by the Subjects, the Lord Martial General of the whole Kingdom, doth ask with a loud voice of all the Councillors, Nobility, and People there present; *Whether they be content to submit themselves unto this King or no.* Who answered *Yea.* The Archbishop doth end the residue of the Ceremonies, and doth place him in the Royal Throne, where all his Subjects do Homage unto him: And thus for *Polonia.*

In *Spain* I do find, that the manner of admitting their Kings was different, and not the same before and after the destruction thereof by the *Moors,*

The admission of  
Kings in  
Spain.

*Moors*, but yet that in both times their Kings did Swear in effect the self same points, which before have been mentioned in other Kingdoms. For first, before the entring of the *Moors*, when *Spain* remained yet one General Monarchy, under the *Goths*, it is recorded in the fourth national Council of *Toledo*, which was holden in the year of our Lord 633. according to *Ambrosio Morales*, the most Learned and diligent Historiographer of *Spain*, (though others do appoint it some few years after) in this Council (I say) it is said, that their new King *Sissinandus* ( who had expelled *Suintila* their former King for his evil Government. ) This King *Sissinandus*, I say coming into the said Council in the third year of his Reign, accompanied with a most magnificent number of Nobles, that waited on him; did fall down prostrate upon the ground, before the Archbishops, and Bishops there gathered together, which were 70. in number, and desired them with Tears to pray for him, and to determine in that Council, that which shou'd be needful and most convenient, both for maintaining of Gods Religion, and also for upholding and prospering the whole Commonwealth, whereupon those Fathers after matters of Religion and Reformation of matters, which they handled in 72. Chapters. In the end and last Chapter, they come to handle matters of Estate also. And first of all they do confirm the Deposition of Kings, *Suintila* together with his Wife, Brother, and Children, and all for his great Wickedness, which in the Council is recounted; and they do deprive them not only of a Title to the Crown, but also of all other goods, and possessions, moveable and immovable, saving only that which the new Kings mercy should bestow upon them; And in this Council was present and subscribed first of all other, *St. Isidornus* Archbishop of *Sevil*, who Writing

Amb. Mor.  
l. ii. c. 17.  
Hist. Hisp.  
præfate  
dem concilii.

The humility of King  
*Sissinadus*.

Concil.  
Tol. 4.  
c. 74.

ting his History of Spain, - dedicated the same unto this King *Siffinandus*, and speaketh infinite good in the same, of the Vertues of King *Swintila*, that was now Deposed and condemned in this said Council, whereby it is to be presumed, that he had changed much his life afterwards, and become so wicked a Man, as here is reported.

Amb. Mor.  
l. ii. c. 17

After this, the Council confirmeth the Title of *Siffinandus*, and maketh Decrees for the defence thereof, but yet insinuateth what points he was bound unto, and whereupon he had Sworn when they said unto him, *Te quoque presentem regem ac futuros statum sequentium principes.* &c. We do require you, that are our present King, and all other our Princes that shall follow hereafter, with the humility which is convenient, that you be meek and moderate towards your Subjects, and that you govern your People in Justice and Piety; and that none of you do give sentence alone against any man in case of Life and Death, but with the consent of your publick Council, and with those that be Governours in matter of Judgment. And against all Kings that are to come, we do promulgate this sentence, that if any of them shall against the reverence of our Laws, exercise cruel authority with proud domination, and Kingly pomp, only following their own concupiscence in wickedness, that they are condemned by Christ with the sentence of Excommunication, and have their seperation both from him and us to everlasting Judgment; And this much of that Council.

Cap. 74.  
Conditions  
of reigning  
in Spain.

But in the next two years after the end of this Council, King *Siffinandus* being now dead, and one *Chintilla* made King in his place; There were other two Councils gathered in *Toledo*, the first whereof was but Provincial, and the second National, and they are named by the names of the fifth and sixth Councils of *Toledo*. In the which Council

Amb. Mor.  
l. iii. c. 23,  
14.

Concil. 5.  
c. 2, 3, 4, 5.  
& Conc. 6.  
c16, 17, 18

Conc. Tol.  
6. c. 3.

The King of  
Spain's  
Oath at his  
Admission.

Councils, according to the manner of the *Goths*, (who being once converted from the *Arian* Heresie, were very catholick and devout ever after, and governed themselves most by their Clergy) and not only matters of Religion were handled, but also of State and of the Commonwealth, especially about the Succession to the Crown, safety of the Prince, provision for his Children, Friends, Officers, and Favourites, after his death, and against such as without Election or Approbation of the Commonwealth did aspire to the same; all these points (I say) were determined in these Councils, and among other points a severe Decree was made in the sixth Council, concerning the King's Oath at his admission, in these words; *Consonam uno corde & ore promulgamus Deo placituram sententiam.* We do promulgate with one heart and mouth, this Sentence agreeable and pleasing unto God, and do decree the same with the consent and deliberation of the Nobles and Peers of this Realm, that whosoever in time to come shall be advanced to the Honour and Preferment of this Kingdom, he shall not be placed in the Royal Seat until, among other conditions, he have promised by the Sacrament of an Oath that he will suffer no man to break the Catholick Faith, &c. Thus far that Synod or Council.

Amb. Mor.  
l. 1. c. 23.

By which words, especially those (among other conditions) is made evident, that those Princes swear not only to keep the Faith, but also such other Conditions of good Government as were touched before in the fourth Council; And these things were determined while their King *Chintilla* was at *Tolledo*, as *Ambrosio Morales* noteth.

Destruction  
of Spain.

And thus much of *Spain* before the entrance of the *Moors*, and before the dividing thereof into many Kingdoms, which happened about 100 years after

after this, to wit, in the year of our Lord 713. and 714.

But after the *Moors* had gained all *Spain* and divided them into divers Kingdoms, yet God provided it so, that within four or five years the Christians that were left and fled to the Mountains of *Asturias* and *Biscay*, found a certain young Prince named *Don Pelayo* of the ancient Bloud of the *Gothish* Kings, who was also fled thither and miraculously saved from the Enemies, whom they then chose to be their King, and he began presently the recovery of *Spain*, and was called first King of *Asturias*, and then of *Leon*, and afterwards his Successors got to be Kings also of *Castilia* and then of *Toledo*, and then of *Aragon*, *Barcelona*, *Valencia*, *Murcia*, *Jaen*, *Cordua*, *Granado*, *Sivil*, *Portugal*, and *Navar*, all which were different Kingdoms at that time, so made by the *Moors*, as hath been said. And all these Kingdoms were gained again by little and little, in more than seven hundred years space, which were lost in less than two years, and they never came again indeed into one Monarchy, as they were under *Don Rodrigo* their last King, that lost the whole, until the year of our Lord 1582. when *Don Philip* now King of *Spain* re-united again unto that Crown the Kingdom of *Portugal*, which was the last piece that remained seperated; and this was almost 900 years after *Spain* was first lost.

*The beginning of the restitution of Spain.*  
Amb. Mor. l. 13. c. 1, 8. de la Chron. de Hispan.

*Kingdoms in Spain.*

But now to our purpose, the Chronicler of *Spain*, named *Ambrosio Morales*, doth record in his Chronicle a certain Law, written in the *Gothish* Tongue, and left since the time of this *Don Pelayo* the first King, after the universal Destruction of *Spain*, and the Title of the Law is this; *Como se an de levantar Rey in España, y como el ha de jurar los fueros*; that is to say, How men must make their King in *Spain*, and how he must swear to the Priviledges

*The Gothish Law of Don Pelayo King of Spain.*  
Amb. Mor. l. 13. c. 2.



Lucas  
Episcop  
Tuyenf.  
in hist. Hi-  
span. Lod.  
de molin.  
l. de hered.

ledges and Liberties of that Nation. And then he putteth the Law, whereof the first saith thus:  
*'Before all things it is Established for a Law, Liberty and Priviledge of Spain, that the King is to be placed by voices and consent perpetually; and this to the intent that no evil King may enter without consent of the people, seeing they are to give him that which with their Blood and Labours they have gained from the Moors.*

Thus far goeth this first Article, which is the more to be marked, for that divers (and those most ancient) Spanish Authors do say, That from this *Don Pelayo* the Succession of Kings descended ever by propinquity of Blood; and yet we see that Election was joyned therewithall in expresse terms.

The old  
Spanish  
Ceremonies  
in making  
their Kings.

The second part of the Law containeth the manner of Ceremonies used in these old days at the admission of their Kings, which is expressed in these words, *Let the King be chosen and admitted in the Metropolitan City of this Kingdom, or (at least wise) in some Cathedral Church, and the night before he is exalted let him watch all night in the Church, and the next day let him hear Mass, and let him offer at Mass a piece of Scarlet and some of his own Money, and after let him Communicate; and when they come to lift him up, let him step upon a Buckler or Target, and the chief and principal men there present hold the Target, and so lifting him up let them and the people cry with a lowd voice Real, Roal, Real: Then let the King command some of his own Money to be cast among the people, to the quantity of a hundred shillings; And to the end he may give all people to understand that none now is above him, let himself tie on his own Sword in the form of a cross, and let no Knight or other Man bear a Sword that day, but only the King.*

This

This was the old fashion of making Kings in *Spain*, which in effect and substance remaineth still, though the manner thereof be somewhat altered, for that the *Spanish* Kings are not Crowned, but have another Ceremony for their admission, equal to Coronation, which is performed by the Archbishop of *Toledo*, Primate of all *Spain*; as the other Coronations before-mentioned are by the Archbishop of *Maguntia* to the Emperor, and by the Archbishop of *Gnesna* to the King of *Polonia*, and by the Archbishop of *Prague* to the King of *Bohemia*, and the Archbishop of *Braga* to the King of *Portugal*, and by the Archbishop of *Canterbury* to the King of *England*, and by the Archbishop of *Rhemes* to the King of *France*, of which Realm of *France* we may not omit to say somewhat in particular, seeing it is so good a Kingdom, and so near to *England*, not only in Scituation, but also in Laws, Manners and Customs; And as the Race of *English* Kings have come from them in divers manners since the Conquest, so may it be also supposed that the principal Ceremonies and Circumstances of this Action of Coronation have been received in like manner from them.

First then, touching the act of Coronation and Admission of the King of *France*, even as before I have said of *Spain*, so also in this Kingdom do I find two manners of that action; the one more ancient, which the *French* do say hath endured in substance from their first Christian King, named *Clodoveus*, unto this day; which is about 1100 years; for that *Clodoveus* was christened in the year of our Lord 490, in the City of *Rhemes* by St. *Remigius* Bishop of that City, and Anointed also, and Crowned King by same Bishop; which manner and order of Anointing and Coronation endured for about 600 years, unto the time of *Henry* the first, and King *Philip* the first his Son;

The manner of French Coronation.

The old Ceremony

both Kings of *France*. At what time (which is about 500 years ago) both the Chroniclers and Cosmographers of *France* do testifie, that there was a peculiar Book in the Library of the Church of *Bevais*, containing the particular Order of this Action, which had endured from *Clodovens* unto that time. Which order, for so much as toucheth the solemnity of Officers in the Coronation and other like Circumstances, was far different at that time from that which is now; for that in those days there were no Peers of *France* appointed to assist the same Coronation, which now are the chief and the greatest part of that solemnity. Yea, *Girardus de Hailah* Secretary of *France* in his third Book of the Affairs and State of that Kingdom, saith, That the Ceremonies of Crowning their old Kings was much after the fashion which I have noted a little before in this very Chapter, out of the Law of *Don Pelayo*, first King of *Spain* after the *Moor*; for that they were lifted up, and carried about upon a Target by the chief Subjects there present, as the *Spaniards* were.

Gerard l. 3.  
de l. Estat.  
f. 238.

But as touching the principal point of that action which is the substance of admitting the King unto his Royal Authority, and Oath by him made of governing well and justly, and of the reciprocal Oath of Obedience made to him again by his Subjects, it was not much different from that which now is, as shall appear by the Coronation of the aforesaid *Philip* the first, who was Crowned in the life and presence of his Father King *Henry*, after the fashion then used, in the year of Christ 1559, and it was, as *Nungis*, and *Uller* (both Authors of great Authority among the *French*) do recount it, and *Francis Bilsness* one of them both repeateth the same at large in manner following.

Franc. Bel.  
Hist. Franc.  
l. 3. c. 20.  
in vita Philip. 1.

King

King Henry the first of this Name, seeing himself very old and feeble, made an assembly of all the States of France in the City of Paris, in the year of Christ 1059. where, bringing in his young Son and Heir Philip, that was but nine years of age, before them all, he said as followeth;

The Coronation of King Philip the first.

‘Hitherto, my dear Friends and Subjects, I have been the Head of your Nobility and Men at Arms, but now by mine Age and Indisposition of Body, I must be separated from you, and therefore I do desire you, that if ever you have loved me you shew it now, in giving your Consent and Approbation that this my Son may be admitted for your King, and apparelled with the Royal Ornaments of this Crown of France, and that you will swear Fealty unto him, and do him Homage.

The Speech of the Father.

Thus said the King, and then (having asked every one of the Assistance in particular for his consent, and afterwards the whole Assembly in general, whether they would swear Obedience to him or no, and finding all to promise with a good will) he passed over the Feast of the Ascension with great joy in Paris, and after went to Rhemes with all the Court and Train, to celebrate the Coronation upon the Feast of Whitsunday.

Thus far are the words of William de Nan-gis alledged in the History of France by Belforest; And it is to be noted, First, how the King did request the Nobility and People to admit his Son; and secondly, how he did ask their consents apart; for that these two points do evidently confirm that which I said at the beginning, that only Succession is not sufficient, but that Coronation ever requireth a new consent, which also includeth a certain Election or new Approbation of the Subject:

Notes upon the King's Speeches.

Memoires  
du Til. c.  
eu sacre  
des Roys.

This is proved also most manifestly by the very Order of Coronation, which ensueth in *Belforest*, taken word for word out of *Tillet*, in his Treatise of Records, in the Chapter of anointing the Kings of France, in these words:

The parti-  
cular man-  
ner of Co-  
ronation.

*In the year of Grace 1059 and the 32 year of the Reign of King Henry, the first of that Name of France, and in the 4th year of the Seat and Bishoprick of Rhemes, and on the 23<sup>d</sup>. day of May, being Whitsunday, King Philip I. was anointed by the said Archbishop Gervais in the great Church of Rhemes before the Altar of our Lady, with the Order and Ceremony that ensueth.*

Profession  
of Faith.

*The Mass being done, when it came to the reading of the Epistle, the said Lord Archbishop turning about unto Philip the Prince that was there present, declared unto him what was the Catholick Faith, and asked him, Whether he did believe it? and whether he would defend it against all persons whatsoever? who affirming that he would, his Oath was brought unto him, whereunto he must swear, which he took, and read with an audible voice; and signed it with his own hand; and the words of the Oath were these:*

*'Je Philippe par le grace de Dieu prochain d'estre ordonné Roy de France, promets au jour de mon sacre devant Dieu & ses Sanctes, &c.*

That is in *English*, (for I will not repeat all the Oath in *French*, by reason it is somewhat long.)

The Oath  
of the  
King of  
France.

*'I Philip by the grace of God, near to be ordained King of France, do promise in this day of my anointing, before Almighty God and all his Saints, That I will conserve unto all that Ecclesiastical Prelates, all Canonical Priviledges, and all Law and Justice due unto every one of you, and I will defend you (by the help of God) as much as shall lie in my power, and as every King ought to do, and as by Right and Equity he is bound to defend every Bishop and*

‘and Church to him committed within his Realm;  
 ‘And furthermore, I shall administer Justice unto  
 ‘all people given me in charge, and shall preserve  
 ‘unto them the defence of Laws and Equity ap-  
 ‘pertaining unto them, so far forth as shall lie in  
 ‘my Authority; So God shall help me, and his holy  
 ‘Evangelists.

This Oath was read by the King, holding his hands between the hands of the Archbishop of Rhemes and the Bishop of Syen and Bisançon, Legats of the Pope standing by, with a very great number of other Bishops of the Realm. And the said Archbishop taking the Cross of St. Remigius in his hand, he shewed first to all the audience the ancient Authority which the Archbishops of Rhemes had even from the time of St. Remigius that baptized their first Christian King Clodoveus, to Anoint and Crown the Kings of France; which he said was confirmed unto them by the Privilege of Pope Hormisdas, that lived in the year of Christ 516. and after also by Pope Victor; and this being done, he then (by license first asked of King Henry the Father there present,) did choose Philip for King. Il eussent le dit Philippe son fils, en, & pour Roy de France: which is word for word, the Archbishop chose the said Philip, King Henry's Son, in and for King of France; which the Legats of the Pope presently confirmed, and all the Bishops, Abbots and Clergy, with the Nobility and People in their order did the like, crying out three times in these words: Nous le approuvons, nous le voulons, soit fait nostre Roy, that is, We will have him, let him be made our King: And presently Te Deum Laudamus was sung in the Choir, and the rest of the Ceremonies of Anointing and Coronation were done, according to the ancient order of this Solemnity, used in the time of King Philip's Predecessors, Kings of France.

Thus far do French stories recount the old and ancient manner of Anointing and Crowning their  
 G 3 Kings

Belfor. l. 3.  
 c. 20.

The Peoples  
 election and  
 admission.

The later  
Order of  
Coronation  
in France.

Kings of *France*, which had endured (as I have said) for almost 600 years; that is to say, from *Clodovens* unto this King *Philip* the First; who was crowned in *France* seven Years before our *William* the Conquerour (who also was present at this Coronation, and had the third place among the Temporal Princes, as Duke of *Normandy*,) entered into *England*; but after this time the manner and ceremonies were somewhat altered, and made more Majestical in outward shew, and this especially by King *Lewis* surnamed *the Younger*, Nephew to the foresaid King *Philip*, who leaving the substance of the Action as it was before, caused diverse external additions of Honour and Majesty, to be adjoined thereunto, especially for the Coronation of his son *Philip* the Second, surnamed *Augustus*, whom he caused also to be crowned in his days, as his Grand-father *Philip* had been, and as himself had been also in his Fathers days.

The twelve  
Peers of  
France and  
their Offi-  
ces in the  
Coronation.

This Man (among other Royal ceremonies) ordained the Officers of the twelve Peers of *France*, six Ecclesiastical, and six Temporal, who are they which ever since have had the chiefeft Places and Offices in this great Action; for that the foresaid Arch-Bishop of *Rhemes*, entituled also Duke of *Rhemes*, hath the first and highest Place of all others, and anointeth and crowneth the King. The Bishop and Duke of *Laon* bear the glass of Sacred Oyl. The Bishop and Duke of *Langres* the Cross: the Bishop and Earl of *Bevais* the mantle-Royal: the Bishop and Earl of *Noion* the King's Girdle; And last of all, the Bishop and Earl of *Chalons* do carry the Ring; And these are the six Ecclesiastical Peers of *France*, with their Offices in the Coronation.

Temporal  
Peers.

The Temporal Peers are the Duke of *Burgundy*, Dean of the Order, who in this day of Coronation holdeth the Crown: the Duke of *Gascony* and *Guyene*

*Guyene* the first Banner quartered, the Duke of *Normandy* the second Banner quartered, the Earl of *Tolouſa* the Golden Spurs, the Earl of *Champany*, the Banner Royal, or Standard of War; and the Earl of *Flanders* the Sword Royal, ſo that there are three Dukes & three Earls in every one of both Ranks of *Spiritual* and *Temporal* Lords; and as *Gerard* noteth, the King is apparelled on this day three times, and in three ſeveral ſorts; The firſt as a *Prieſt*, the ſecond as a King and Warriour, the third as a Judge; And finally he ſaith that this Solemnity of Anointing and Crowning the King of *France*, is the moſt magnificent, Gorgeous and Ma-  
jeſtical thing that may be ſeen in the world, for which he referreth us not only to the particular Coronations of theſe two ancient Kings, *Philip* the firſt and ſecond, but alſo to the late Coronation of *Henry* the ſecond, Father to the laſt Kings of *France*, which is alſo in print, and indeed is a very goodly and moſt notable thing to be read, though indeed much more to be ſeen.

But to ſay a word or two more of *Philip Auguſtus*, before I paſs any further, which happened in the Year 1179. and in the 25. of the reign of our King *Henry* the ſecond of *England*, who, as the *French* Hiſtories ſay, was preſent alſo at this Coronation, and had his Rank among the *Peers*, as Duke of *Normandy*, and held the Kings Crown in his hand, and one of his Sons had his Rank alſo as Duke of *Gaſcony*; and the form uſed in this Coronation was the very ſame which is uſed at this day in the Admiſſion of the Kings of *France*, in recounting whereof I will let paſs all the particular ceremonies which are largely to be read in *Francis Belforeſt*, in the place before-mentioned, and I will repeat only the Kings Oath, which the ſaid Author recounteth in theſe words.

To be noted

Gerard du  
Hailan lib.  
3. del'eſtat  
pag. 240.  
242. O  
258.

The ceremonies uſed at  
this day.

Francis  
Belf. in vi-  
ta Auguſti.



The coronation of  
Phil. II.  
Augustus

The Archbishop of Rhemes being vested in his Pontifical attire, and come to the Altar to begin Mass (where the King also was upon a high seat placed) he turned to him and said these words in the name of all the Clergy and Churches of France: Sirs, that which we require at your hands this day, is, that you promise unto us, that you will keep all Canonical Priviledges, Law, and Justice, due to be kept and defended as a good King is bound to do in his Realm, and to every Bishop and Church to him committed: whereunto the King answered I do promise and avow to every one of you, and to every Church to you committed, That I will keep and maintain all Canonical Priviledges, Law, and Justice, due to every man, to the utmost of my Power; And by Gods help shall defend you as a good King is bound to do, in his Realm. This being done, the King did Swear and make his Oath, laying his hands upon the Gospel, in these Words following. Au nom de Jesus Christ, je jure & promets au Peuple Chrétien a moy sujet ces choses, &c. Which is in English, In the name of Jesus Christ, I do Swear and promise to all Christian People, subject unto me, these points ensuing: First, to procure that all my Subjects be kept in the union of the Church, and I will defend them from all Excess, Rapine, Extortion, and Iniquity: Secondly, I will take order that in all Judgments, Justice shall be kept, with Equity and Mercy, to the end that God of his Mercy may conserve unto me, with you my People his Holy grace and mercy: Thirdly, endeavour as much as possible shall lie in me, to chase and drive out of my Realm and all my Dominions, all such as the Church, hath, or shall declare for Hereticks, as God shall help me and his Holy Gospels. Thus Swareth the King, and then kisseth the Gospel, and immediately is Sung, Te Deum Laudamus: and after that are said many particular Prayers by the Archbishop, and then is the King vested,

The Oath  
of the  
French  
King used  
at this day.

vested, and the Ring, Scepter, Crown, and the other Kingly Ornaments and Ensigns are brought and put upon him with Declaration, first, what they signifie, and then particular Prayers are made to God, that their signification may be by the King fulfilled.

And after all ended, the Archbishop with the Bishops do bless him, and say these words unto him. *God which reigneth in Heaven, and governeth all Kingdoms bless you, &c. Be you stable and constant, and hold your Place and Right, from hence forth which here is committed and laid upon you by the authority of Almighty God, and by this present tradition and delivery, which we the Bishops and other Servants of God, do make unto you of the same, and remember you in place convenient, to bear so much more respect and reverence unto the Clergy, by how much nearer than other men you have seen them to approach to God's Altar, to the end that Jesus Christ, Mediator of God and Man may confirm and maintain you by the Clergy and People, in this your Royal Seat and Throne, who being Lord of Lords, and King of Kings, make you Reign with him and his Father in the Life and Glory everlasting.*

*The Archbishop's blessing & Speech to the new King.*

Thus saith the Archbishop unto him, and after this he is led by him and the other Peers unto the Seat Royal, where the Crown is put upon his Head, and many other large Ceremonies used, which may be read in the Author aforesaid, and are too long for this place. And yet have I been the larger in this matter of *France*, for that I do not think it to be improbable which this Author and others do not, to wit, that most Nations round about have taken their particular Forms of Anointing and Crowning their Kings, from this ancient custom of *France*, though the substance thereof, I mean of their *Sacring* and *Anointing*, be deduced from Examples of far more Antiquity,

*The manner of Coronations taken from France.*

1. Reg. 10. to wit, from the very first Kings among the people  
16. of *Israel*, whom God caused to be anointed by his  
2. Reg. 2. Priests and Prophets, in token of his Election, and  
as a singular Priviledge of Honour and Prehemi-  
nence unto them, whereof King *David* made so  
great account, when he said to the Souldier that  
had killed *Saul* his Enemy in the War, *quare non si-*  
2. Reg. 1. *muisti mittere manum tuam in Christum Domini?*  
Why didst thou not fear to lay thy hands upon the  
Anointed of God? and he put him to death for it,  
notwithstanding that *Saul* had been long before de-  
posed, and rejected by God, and that himself had  
lawfully borne Arms against him for many days;  
so much was that Ceremony of *Anointing* esteemed  
in those days, and so hath it been ever since among  
Christian People also; For that Kings hereby are  
made Sacred, and do not only participate with  
Priests, but also with Christ himself who hath his  
Name of this circumstance of *Anointing*, as all the  
world knoweth.

Probable then I say it is, that albeit the sub-  
stance of this ceremony of *Anointing* Kings be  
much elder than the Christian Kingdom of *France*:  
yet is this particular and Majestical manner of do-  
ing the same by way of *Coronation*, the most an-  
cient in *France* above all other Kingdoms round  
about, especially if it began with the first Chri-  
stian King *Clodoveus* not full 500. Years after  
Christ, as *French* Authors do hold. At what time  
also they recount a great miracle of Holy Oyl sent  
from Heaven by an Angel for anointing *Clodoveus*,  
whereof they say they have still remaining for the  
anointing of their Kings at *Rhemes*, which point I  
will not stand to treat or discourse in this place,  
but rather will refer my Reader to the foresaid  
Chapter of *Francis Belsorell* Chronicler of *France*,  
who alledgeth divers Writers of almost 500. years  
antiquity that write of the same; But howsoever  
that

The Holy  
Oyle of  
Rhemes.

Belfo. 1. 3.  
cap. 57.

that be, very probable it seemeth that all the ceremonies of Coronation in *Germany* and *Polonia* before-recited, (which had their beginning long after the Reign of *Clodoveus*,) might be taken from thence; and so the affinity and likeness of the one to the other doth seem to agree, and *Garribay* also the Chronicler of *Spain* and of *Navarre*, in his 22. Book talking of this Custom of Anointing and Crowning the Kings of *Navarre*, saith, that this excellent custom began there (I mean in *Navarre*,) above 800 Years past, and was brought in by certain Earls of *Champayn* of *France*, named *Theobaldes*, who coming to attain that Crown, brought with them that Reverend Ceremony of Anointing and Crowning their Kings, according to the use of the French, which custom endureth until this day in that part of *Navarre*, that is under the house of *Vandome*; albeit in the other that is under the *Spaniards*, (which is far the greater,) it was left off in the Year 1513. when *Ferdinand* surnamed the Catholick King of *Spain* entred thereupon; for that the Spanish Kings are never anointed, nor crowned, but otherwise admitted by the Commonwealth, as before I have declared.

But among all other Kingdoms it seemeth that *England* hath most particularly taken this custom and ceremony from *France*, not only for the reason before-alledged, that divers of our *English* Kings have come out of *France*, as *William* the Conquerour born in *Normandy*, King *Stephen* son to the Earl of *Blois*, and *Bullen*, a Frenchman, and King *Henry* the second, born likewise in *France*, and son to the Earl of *Anjou*: but also for that in very deed the thing it self is all one in both Nations; And albeit I have not seen any particular Book of this Action in *England*, as in French there is; yet it is easy to gather by Histories what is used in *England* about this affair.

Estevan.  
Garribay.  
lib. 22. c. 1.

Kings.  
Crowned in  
Navarre  
and not in  
Spaine.

The English  
Coronation  
taken from  
the French

Le Sacré  
des Roys.

For

Folid. lib.  
13. Hist.  
Angliz in  
vita Henrici.

In vita D.  
Tho. Cant.  
apud furi-  
umin men-  
se Decem-  
bris.

For first of all, that the Arch-Bishop of *Canterbury* doth ordinarily do this ceremony in *England*, as the Arch-Bishop of *Rhemes* doth it in *France*, there is no doubt, and with the same Solemnity and honour, according to the condition and state of our Countrey: and *Polidor Virgil* in his History noteth, that Pope *Alexander* did interdict and suspend the Arch-bishop of *Tork*, with his two assistants the Bishops of *London* and *Salisbury*, for that in the absence of *Thomas Becket* Arch-bishop of *Canterbury*, and without his Licence they did crown King *Henry*, at his Fathers perswasion, and divers do attribute the unfortunate success of the said King *Henry* the younger (that rebelled against his Father,) to this disorderly and violent Coronation by his Father's appointment: secondly, that the first thing which the said Arch-bishop requireth at the new King's hands at his Coronation, is about Religion, Church matters, and the Clergy, (as in *France* we have seen) it appeareth evidently by these words which the same Arch-bishop *Thomas* (surnamed commonly the *Martyr*,) remaining in banishment wrote to the same King *Henry* the second, which are these; *Memores suis confessionis quam fecistis & posuistis super altare apud Westmonasterium de servanda Ecclesia liberate, quando consecrati fuistis, & uncti in Regem à predecessore nostro Thebaldo.* Which is, *Do you call to your remembrance the Confession, which you made and laid upon the Altar at Westminster, for keeping and defending the liberty of the Church when you were consecrated and anointed. King by Thebaldus our predecessor.* By which words appeareth, that as the King of *England* was consecrated and anointed in those days by the Arch-bishop of *Canterbury*, so did he swear and give up his Oath also in writing; and for more solemnity and obligation, laid it down, (or rather offered it up,) with his own hands upon the

the Alcar, so much as was required of him by the said Arch-bishop and Clergy, for the special safety of Religion, and these Ecclesiastical Liberties, which is the self same point that we have seen before, as well in the Oath of the Kings of *France*, as also of *Polonia* and *Spain*, and of the Emperours both *Grecian* and *German*.

The very like admonition in effect I find made by another *Thomas* Arch-bishop of *Canterbury*, to another King *Henry*, to wit, by *Thomas Arundel* to King *Henry* the Fourth, when in a Parliament holden at *Coventry*, in the year 1404 the King was tempted by certain temporal men, to take away the Temporalities from the Clergy, whereunto when the said Arch-bishop *Thomas* had answered by divers reasons, at last turning to the King, he besought him (saith *Stow*) to remember the Oath which he voluntarily made, that he would honour and defend the Church and Ministers thereof. Wherefore he desired him to permit and suffer the Church to enjoy the Priviledges and Liberties which in time of his Predecessors it did enjoy, and to fear that King which reigneth in Heaven, and by whom all other Kings do reign: Moreover he desired him to consider his promise also to all the Realm, which was, that he would preserve unto every man their Right and Title, so far as in him lay. By which speech of the Arch-bishop the King was so far moved, as he would hear no more of that Bill of Laity; but said that he would leave the Church in as good estate, or better than he found it; and so he did: but yet hereby we come to learn what Oath the Kings of *England* do make at their Coronations touching the Church and Clergy.

The other conditions also of good Government are partly touched in the speech of the Arch-bishop, and much more expressly set down in the King of *Englands* Oath, recorded by ancient Writers, for that

*The Speech of another Archbishop of Canterbury to the King.*

*Stow in vita Hen. IV.*

*Holings. in his Chro. pag. 476. & 1005.*

*The Kings  
of England*

for that he sweareth, as both *Holinshead* and others do testify in their English Histories, in these very words, to wit; *That he will during his Life bear reverence and honour unto Almighty God and to his Catholick Church, and unto his Ministers, and that he will administer Law and Justice equally to all, and take away all unjust Laws.*

*Regal Or-  
naments.*

Which after he had sworn, laying his hands upon the Gospels: then doth the Arch-bishop (turning about to the people) declare what the King hath promised and sworn, and by the mouth of an Herald at Arms asketh their Consents, whether they be content to submit themselves unto this man, as unto their King or no, under the conditions proposed, whereunto when they have yielded themselves, then beginneth the Arch-bishop to put upon him the Regal Ornaments, as the Sword, the Ring, the Scepter and Crown, as before in the French Coronation you have heard; and namely, he giveth him the Scepter of *S. Edward the Confessor*, and then he addeth also the same words of Commission and Exhortation, as the other doth, to wit, *Stand and hold thy Place, and keep thy Oath*; and thereunto adjoineth a great commination or threat, if he should take upon him that Dignity, without firm purpose to observe the things which this day he hath sworn, and that is the summe of the English Coronation, which you may read also by piece-meal in *John Stow*, (according as other things in that his brief Collection are set down,) but especially you shall see it in the admissions as well of the said King *Henry* the fourth now last mentioned; as also of King *Edward* the fourth, at their first entrances to the Crown, for in the admission of King *Henry*, *Stow* sheweth how the People were demanded thrice, whether they were content to admit him for their King, and that the Arch-bishop of *Canterbury*, (who was the same

*Stow in vi-  
ta Richar-  
di 2. in fi-  
ne.*

*Admission  
and Coro-  
nation of  
King Hen-  
ry 4.*

*Thomas*

*Thomas Arundel* of whom we spake before, ) did read unto them what this new King was bound by Oath unto, and then he took the Ring, where-with he was to wed him to the Common-wealth, (which Wedding importeth, as you know, an Oath and mutual Obligation on both sides in every Marriage,) and the Earl of *Northumberland*, and high Constable of *England*, for that day, was willed to shew the said Ring to the People, that they might thereby see the band whereby the King was bound unto them. And then it was put upon his finger, and the King kissed the Constable in sign of acceptance, fell on his knees also to prayer that he might observe his Promise, and other like ceremonies (saith *Stow*,) were used; and this was done the 13. of *October* 1359. and therefore upon good reason might this same Arch-bisshop put him afterward in mind of this his Oath, as before I have shewed that he did.

At the admission also of King *Edward* the fourth, *Stow* sheweth in his Chronicle, that first the peoples consent was demanded very solemnly in *S. John's Field* by *London*, the 29. of *February*, in the year 1460. notwithstanding that King *Edward* had proved his Title by Succession before in the Parliament holden at *Westminster*; and now this consent of the People being had, (or he being thus elected, as *Stowes* words are,) he went the next day in Procession at *Pauls*, and offered there; and after, *Te Deum* being sung, he was with great Royalty conveyed to *Westminster*, and there in the Hall set in the King's Seat, with *S. Edward's Scepter* in his hand, and then the People were asked again if they would have him King, and they cried, *Yea, Yea*, thus far *John Stow*:

And if any would take exception against these of King *Henry* and King *Edward* the fourth, because they entered and began their Reigns upon the

*The Coronation of King Edward 4.*

*Stow* in v. 1  
ta Hen. VI  
p. 709.



the deprivation of other Kings then living ; There are yet many living in *England* that have seen the severall Coronations of King *Edward VI.* Queen *Mary* and Queen *Elizabeth* that now reigneth, and can witness that at all and every of their Coronations, the consent of the People and their acceptation of those Princes is not only demanded by the publick cry of a Herald at Arms, which standeth on both the sides of the high Scaffold or Stage whereon the Prince is crowned, and the Peoples answer expected till they cry Yea, Yea : But also that the said Princes gave there their corporal Oath upon the Evangelists unto the Bishop that crowned them, to uphold and maintain the Faith afore-named, with the Liberties and Privileges of the Church ; as also to govern by Justice and Law, as hath been said : which Oaths no doubt have been sworn and taken most solemnly by all the Kings and Queens of *England*, from the days of King *Edward* the Confessor at the least, and he that will see more points of these Oaths set down in particular, let him read *Magna charta*, and he will be satisfied.

By all which, and by infinite more that might be said and alledged in this matter, and to this purpose, it is most evident, (said the *Civilian Lawyer*) that this agreement, bargain and contract between the King and his Commonwealth at his first admission, is as certain and firm ( notwithstanding any Pretence or Interest he hath or may have by Succession, ) as any contract or Marriage in the World can be, when it is solemnized by words *de presenti*, (as our Law speaketh,) between parties espoused before by words *de futuro*, which is an act that expresseth this other most lively, as afterwards more at large, I shall shew unto you, and consequently I must needs affirm to be most absurd, base and impious, that flattery before-mentioned.

The Conclusion of this chapter.

tioned of *Belloy* and his companions, in their Books before cited, where he holdeth, that only Succession of Blood is the thing without further approbation, which maketh a King, and that the Peoples consent to him that is next by Birth, is nothing at all needful, be he what he will, and that his admission, Inunction or Coronation is only a matter of external ceremony without any effect at all, for increase or confirmation of his right; These (I say) are unlearned, fond and wicked assertions, in flattery of Princes, to the manifest ruine of Commonwealths, and perverting of all Law, Order and Reason; which assertions, albeit they have been sufficiently (as I suppose) refuted before, yet mean I to stand a little more upon them in this place, for more evident demonstration of so important a Truth, as also to see and examine what may due-ly be attributed to bare Succession alone, to the end that no man may think we mean to improve or imbase that which we esteem in so high degree, and think that the best and surest way of main-taining Kingly Government in the World, is to have it go by Succession, as it doth at this day in *England*, and in most other States of *Europe* be-sides; though yet with the limitations and condi-tions due thereunto, whereof I shall now begin to treat more in particular, but after some little pause if you please, for that this other Narration hath well wearied me.

*Aburd of  
assertions of  
Belloy.*

H

CHAP.

## CHAP. VI.

*What is due to only Succession by Birth, and what Interest or Right an Heir apparent hath to the Crown, before he be Crowned or Admitted by the Commonwealth; and how justly he may be put back, if he have not the other parts requisite also.*

*A Pause.*

**V**ERY reasonable it seemed to all the whole Assembly that some intermission or pause should be admitted, as the *Civilian* had required, and this as well for the commodity of the hearers, who desired to confer together more in particular, of the points already discussed, as also of the Speaker, who with reason affirmed, that he was somewhat weary, seeing he had continued his speech so long together. And so with one consent they rose all, and went into an Orchard adjoining to the house, and after some hours space, returned again, for that every man seemed very desirous to hear this other matter debated, of the Interest of Princes before their Coronation; for that they said, it touched the very point it self, now in question in *England*, and that which is like to be in action also, ere it be long, Wherefore they desired the *Civilian* to begin his discourse, and first of all to set down the very words of *Belloy* about this matter, as also the places where he writeth the same, for that his assertions appeared to them very strange and opposite to all reason of State and practice of the world, as also contrary to all that which hitherto hath been said and treated.

Where-

Where to the *Civilian* answered, True it is, that they are so, and more plain and gross flatteries than ever I have read uttered by any man to any Prince or Tyrant whatsoever; albeit most of them (as you know) have not failed to find as shameless Flatterers, as themselves were either vain or wicked Princes; and for my part I am of opinion, that these Propositions of *Belloy* will rather hurt and hinder than profit the Prince, for whom and in whose favour he is thought to have written them, which is the King of *Navarre* whom hereby he would advance (as he seemeth,) and have admitted to the Crown of *France*, without all consent or admission of the Realm. But I for my part, as I doubt not greatly of his Title by propinquity of Blood, according to the Law *Salique*; so on the other side, am I of opinion, that these Propositions of *Belloy* in his behalf, that he should enter by only Title of Birth, without condition, consent or approbation of the Realm, as also without Oath of Anointing or Coronation, yea of necessity without restraint or obligation to fulfil any Law, or to observe any Priviledges to Church, Chappel, Clergy, or Nobility, or to be checked by the whole Realm, if he rule amiss: he these things, I say, are rather to terrify the people, and set them more against his entrance, than to advance his Title: and therefore in my poor judgement, it was neither wisely written by the one, nor politickly permitted by the other. And to the end you may see what reason I have to give this censure, I shall here set down his own Propositions, touching this matter, as I find them, in his own words; First then he avoucheth, that all Families, which enjoy Kingdoms in the world, were placed therein by God only, and that he alone can change the same, which if he refer unto God's Universal Providence *qua attingit a fine usque in finem fortiter*, as the Scripture saith, and without

Gross Flattery.

The propositions of *Belloy* apolo-  
g. cath.  
part. 2.  
§ 7.

Matth. 6.

which a sparrow falleth not to the ground, as our Saviour testifieth, no man will deny, but all is from God, either by his Ordinance or Permission; but if we talk (as we do) of the next and immediate causes of Empires, Princes, and of the changes; clear it is, that men also do and may concur therein, and that God hath left them lawful authority so to do, and to dispose thereof for the publick benefit, as largely before hath been declared, and consequently to say, that God only doth these things, and leaveth nothing to man's Judgment therein, is against all reason, use and experience of the world.

2.  
Apolog.  
Cathol.  
part. 1. p. 2.  
rag. 7.

The second Proposition of Belloy is, *That where such Princes be once placed in Government, and the Law of Succession by Birth established, there the Princes children, or next of kin, do necessarily succeed by Birth, without any new choice or approbation of the People, Nobility, or Clergy, or of the whole Commonwealth together.* And to this assertion he joineth another as strange as this, which is, *that a King never dyeth, for that, whensoever or howsoever he ceaseth by any means to govern, then entreteth the Successor by Birth, not as Heir to the former, but as lawful Governour of the Realm, without any admission at all, having his authority only by the condition of his Birth, and not by adoption or choice of any.* Which two Propositions, albeit they have been sufficiently refuted by that which hath been spoken in the last two chapters going before, yet shall now again convince more amply the untruth thereof.

3.  
Apolog.  
pro Reg.  
c. 6. & 34.

4.  
Apolog.  
Cathol.  
part. 2. p. 2.  
rag. 7. &  
pro Reg.  
cap. 9.

Other two Propositions he addeth, which partly have been touched and answered before, and yet I mean to repeat them again in this place, for that they appertain to this purpose; his former is, *That a Prince once entred to Government, and so placed, as hath been said, is under no Law or restraint at all of his authority, but that himself only is the Quick*  
and

and Living Law, and that no imitation can be given unto him by any power under Heaven, except it be by his own will, and that no Nation or Commonwealth can appoint or prescribe how they will obey, or how their Prince shall govern them, but must leave his Authority free from all bands of Law, and this either willingly or by violence, is to be procured. By which words it seemeth that he painteth out a perfect pattern of a Tyrannical Government, which how it may further the King of Navarre's pretence, in the case he standeth in presently in France, I do not see.

His other Proposition is, *That, albeit the Heir apparent, which is next by Birth to any Crown, should be never so impotent, or unfit to Govern, as if (for Examples sake) he should be deprived of his senses, mad, furious, lunatick, a fool, or the like, or that he should be known on the other side to be most malicious, wicked, vitious or abominable, or should degenerate into a very Beast; yea if it were known that he should go about to destroy the Commonwealth, and drown the Ship which he had to guide, yet (saith this man,) he must be sacred and holy unto us, and admitted without contradiction to his Inheritance, which God and Nature hath laid upon him, and his direction, restraint or punishment, must only be remitted to God alone, for that no man or Commonwealth may reform or restrain him.* Thus saith Belloy, which I doubt not will seem unto you rather belly and base Doctrine, than to come from the head of any learned or discreet man, that regardeth the end why Commonwealths and Kingdoms, and all Governments were ordained by God and Nature, and not the flattering or adoring of any one miserable man that shall stand over them to destroy the whole.

But now to the particular matter that we are to treat of, which is, what is to be attributed to this Succession or propinquity of Birth alone; I am of

5.  
Apolog.  
pro Rege  
cap. 20.

## A Conference touching Succession

*Succession of  
Princes by  
Birth bet-  
ter than  
meer Ele-  
ction, and  
why.*

I. Reason.

II.

III.

opinion, as before I signified, that, albeit there want not reasons on both sides among Learned men, what kind of providing Governours to Commonwealths is best, either by simple and free Election only, or by Succession of Birth: my opinion (I say,) is, that Succession is much to be preferred, not for that it wanteth all difficulties and inconveniences, (which all temporal things upon Earth have,) but like as before I have shewed of the particular Government of a Monarchy in respect of other forms of Regiment, to wit, that it wanted not all, but had fewer inconveniences than other forms of Regiment have, so say I also of this, that albeit some inconveniences want not in Succession; yet are they commonly far less and fewer, than would follow by meer Election, which is subject to great and continual dangers of ambition, emulation, division, sedition and contention, which do bring with them evident peril of universal destruction and desolation of the whole Body, and this at every change of the Prince, which change on the other side is much assured by Succession, for that great occasions of strife and contention are thereby cut off.

And besides this, the Prince, who is in present possession knowing that his son, or next of kin, is to be his Heir, hath more care to leave the Realm in good order, as we see that the Husband-man hath to till and manure that ground, which is his own, and to remain to his posterity:

A third commodity also there is, for that less mutations and alterations are seen in the Commonwealth where Succession prevailerth, for that the Son following his Father, doth commonly retain the same Friends, Counsellours, Officers and servants, which his Father had before him; pursueth the same Actions and Intentions, with the same manner of Proceeding for the most part; whereas he

he that entreth by Election, being an alien to him that went before him, and never lightly his friend, doth change, alter, and turn upside down all things.

Furthermore, (which may be also a fourth reason,) he that entreth by Succession, for that he is either born a Prince, or hath been much respected still for his Title to the Crown, bringeth with him less passions of hatred, emulation, anger, envy, or revenge against particular men, (for that no man durst offend him,) than doth he which entreth by only Election, for that he having been a Subject and equal to others before his advancement, and thereby holden contention with many, especially of this Election, must needs have matter of quarrel with many, which he will seek easily to revenge, when he is in authority; as on the other side also such as were his equals before, will bear him less respect, and more unwillingly be under him, than if by birth he had been their Sovereign.

These, and divers other are the commodities of Succession; whereunto we may also add the preheminance and priviledg of Primogeniture, & ancestry of Birth, so much respected and commended by Holy Writ, not only in men, but in all other creatures also, whose first-born were dedicated to God himself; and one notable example among others occurreth to my mind of the two Sons of *Isaac*, of the which two albeit God had ordained to chuse the younger before he was born, as *S. Paul* testifieth, and to reject the elder, that is to say, that *Jacob* should inherit the benediction, and not *Esau*: Yet would God have this younger to procure the said priviledge of Eldership from *Esau* by divers means, as first by bargain, and after by guile, according to the Story we read in *Genes*. Out of which Story two points may be pondered much to our purpose, First that *primogeniture* or eldership

I V.

The preheminance of Primogeniture.

Genes. 15.

Genes. 49.

Daut. 21.

Genes. 15.

2 Paralip.

21. Genes. 3.

Exod. 3.

Genes. 2.

Rom. 9.

Genes. 12.

Genes. 28.

Genes. 27.

Two Points to be noted



of birth, (as I have said) was greatly respected by God; and according to that, all the descents and Successions of Kings were commonly among that people; for that ordinarily the eldest son ever succeeded his father in the Crown of Iury. And the second point is, that God would shew even in this beginning that yet this priviledge was not so inviolable, but that upon just causes it might be broken, as it was by this his choice of *Jacob* the younger, and rejecting *Eſau* the Elder: and many times after in matter of Government the same was practised by God himself, as when *Judab* the fourth Tribe, and not *Reuben* the first and eldest, was appointed by God to enjoy the Scepter and Crown of the *Jewes*; as also when King *David* dyed, not his first, second, or third son, but his tenth in order, to wit, *Solomon*, who was also the fourth that he had by *Bersabee*, was appointed for his Successor.

Genes. 29.

Exod. 1.

2 Reg. 5.

1 Paral. 3.

Two Cases  
resolved.

So that in very deed we have here both our two Cases, that were propounded in the beginning, over-ruled and determined by Authority and Example of Holy Writ it self; namely and first of all, that priority and propinquity of Bloud in Succession is greatly to be honoured, regarded and preferred in all affairs of Dignity and Principality, and yet (which is the second point) are we not so absolutely and peremptorily bound thereunto always, but that upon just and urgent occasions that course may be altered and broken.

The Remedy  
of inconveniences  
by Succession.

Which Licence or Liberty is indeed the only (or at least wise,) the most principal Remedy for such Inconveniences as do or may ensue in the course of Succession, which inconveniences as before I shewed to be far less and fewer than are wont to follow of bare Election alone; yet did I confess also, that some did or might fall out, as namely that the person, who by succession of Bloud is next, may be unable or unfit, or pernicious to Govern: to which

which Cases the remedy is, (as before hath been declared) either to help and assist him by Laws, and Directions, and wise Councils, if he be capable thereunto, or else to remove him, and take in another of the same Bloud-Royal, (though further off in degree or propinquity) in his place.

And this is and hath been the custom and practice of all Nations and Commonwealths from the beginning, since Succession hath been established among them, as afterwards I shall demonstrate unto you by great store of evident Examples and Presidents; and by this means we come to remedy the difficulties and inconveniences of both kinds of making our Kings and Princes, which are *Election* and *Succession*, as hath been said: for by Succession we do remedy the inconveniences and dangers before mentioned of bare Election, to wit, of strife, banding, ambition, and the like: and by this other mean of adding also Election, Consent and Approbation of the Realm to Succession alone, which inconveniences are principally, that some unapt, impotent or evil Prince may be offered sometimes to enter by priority of Bloud, whereof the Realm may deliver it self by this other means of not admitting him, so as Election by Succession, and Succession again by Election is salved, and the one made a Preservative and Triacle to the other: and this is the Wisdom and high policy left by God and Nature to every Commonwealth, for their own conservation and maintainance, and every man that is of Reason and Judgment, and void of passion, will not only allow, but also highly commend the same.

Now then to answer in particular to the two Questions made at the beginning of this speech, to wit, what is to be attributed to *Succession* alone, and Secondly, What Interest a Prince hath thereby to any Crown, before he be Crowned or admitted by

*Election  
and Succession  
do help  
the one the  
other.*

*Answer to  
the two  
Principal  
Questions.*

*Succession  
greatly to  
be respec-  
ted.*

by the Commonwealth, To the First I say, that to Succession alone; or priority of Blood only great honour, reverence and respect ought to be born, as before hath been declared; for that it is the principal circumstance & condition which leadeth us to the next Succession of the *Crown* infallibly, & without all strife: If his propinquity be clear and evident, and that other necessary circumstances and conditions do concur also in the same person, which conditions were appointed and set down at the same time, and by the same authority that this Law of Succession was established; for that both the one and the other of these two Points were ordained by the Commonwealth, to wit, that the Elder and First in Blood should succeed, and that he should be such a person as can and will Govern, to the Publick Weal of all, as often and largely before hath been avouched and proved.

*What an  
Heir appa-  
rent is be-  
fore his Co-  
ronation.*

To the second Question I answer, That an Heir apparent to a Crown, before his Coronation and Admission by the Realm, if he have the Conditions before-required, hath the same Interest to the Kingdom, which the King of *Romans*, or *Cesar* hath to the *German Empire* after his Election, and before he be Crowned: And to use a more familiar Example to *Englishmen*, as the *Mayor of London* hath to the *Mayorality*, after he is chosen, and before he be admitted; or have taken his Oath. For as this man in rigour is not truly *Mayor*, nor hath his Jurisdiction before his Oath and Admission, nor the other is properly *Emperour*, before he be Crowned, so is not an Heir apparent truly *King*, though his Predecessor be dead, and he next in Succession, untill he be Crowned or Admitted by the Commonwealth.

*Examples  
of Mar-  
riage.*

Another Example is there in Marriage also, whereby our matter is made more plain, for in this Contract go both the Betrothing and actual Join-  
ing

ing together of the Parties in Wedlock; the First is done by words *de futuro*, or for the time to come, and is not properly Marriage, but Espousal only: The other is by words *de presenti*, that is, by mutual present consent given of both Parties, and this second is only and properly true Marriage; which two points are expressly represented in the state of an Heir apparent, and of a Crowned King; for that the Heir apparent by propinquity of Bloud, is only espoused or betrothed to the Commonwealth, for the time to come, and is married afterwards by present mutual consent of both Parties in the Contract and knitting up of the matter, at his Coronation, by the Oaths which either part maketh, the one to take the other, and by putting on the Ring and other Wedding garments before-mentioned in their Coronations, by all which the Heir apparent, (which was but Espouse,) is made now the true King and Husband of the Commonwealth, which before he was not, by only Succession, but only a betrothed Spouse, or designed King, as hath been declared.

Wherefore it followeth also, that the Commonwealth oweth no allegiance or subjection unto the Heir apparent in rigour of Justice, until he be Crowned or Admitted, though his Predecessor be dead; for that in very deed, until that time, he is not the true King and Sovereign, though for better keeping of Order, and avoiding of Tumults, all Commonwealths lightly that have their Princes by Succession, have ordained in these latter Ages, that from the death of the former Princes, all matters of Government shall pass in the Name of his next Successor, (if his Succession be clear) and this (as I say,) for avoiding of Garboils, and under supposal of Confirmation and Approbation afterwards of the Commonwealth at his Coronation

What respect is due to an Heir apparent.

*Why Princes do count their years from the death of their Predecessors.*

Gerard du Hailan l. 3. de Pestave pag. 241.

*No Heir aarent King, before his Coronation.*

*An evident Argument.*

*A rare Example of King Henry V.*

tion, for which cause also, and for better account of years, it was ordained that the beginning of the Successors Reign should be reckoned from the day of the death of his predecessor, and not from the day of his Coronation, as otherwise in rigour it ought to be, and as in old time it was accustomed to be, as Gerard, Secretary and Chronicler of France, to wit, that Kings in old time were wont to account the years of their Reigns from the day only of their Anointing and Coronation.

This point also that *Heirs apparent are not true Kings, until their Coronation, how just soever their Title of Succession otherwise be, and though their Predecessors be dead*; it might be confirmed by many other Arguments, but especially and above all others, for that the Realm is asked again three times at their Coronation, *Whether they will have such a man to be King, or not*, as before hath been shewed, which thing were in vain to ask, if he were truly King, (as Belloy saith,) before his Coronation.

Again we see in all the Forms and different manners of Coronations, before-recited, that after the Prince hath sworn divers times to *Govern well and justly*, then do the Subjects take other Oaths of Obedience and Allegiance, and not before; which argueth, that before they were not bound unto him by Allegiance, and as for the Princes of England, it is expressly noted by English Historiographers in their Coronations, how that *no Allegiance is due unto them before they be Crowned*, and that only it happened to Henry the Fifth, among all other his Predecessors to have this Priviledge, and this for his exceeding *cordialness*, and for the great affection of the People towards him, that he had homage done unto him before his Coronation, and Oath taken. Whereof Polidor writeth in these words: *Princeps Henricus factis Patrie suere, conciliis*

*gilia*

*cilium Principum apud Westmonasterium convocandum curat, in quo dum de Rege creando more majorum agitabatur, esse tibi, continuo aliquot Principes ulro in ejus verba mirare ceperunt, quod benevolentia officium nulli antea priusquam Rege renunciatus esset, praestitum constet, adeo Henricus ab inunte aetate spem omnibus optima indolis fecit.* Which in English is this, Prince Henry, after he had finished his Father's Funerals, caused a Parliament to be gathered at Westminster, where, whilst Consultation was had, according to the antient Custom of England, about creating a new King, behold upon the sudden, certain of the Nobility of their own Free wills, began to swear Obedience and Loyalty unto him, which demonstration of Love and Good-will, is well known, that it was never shewed to any Prince before, until he was declared King: so great was the hope that men had of the Towardliness of this Prince Henry, even from his tender age; thus far Polidor in his Story of England. And the very same thing expresseth John Stow also in his Chronicle, in these words, To this Noble Prince by assent of the Realm after three days offered to do Fealty before he was Crowned, or had solemnized his Oath well and justly to Govern the Common-wealth, which offer before was never found to be made to any Prince of England, Thus much Stow: In whose Narration, as also in that of Polidor, it may be noted, that King Henry the Fifth was not called King until after his Coronation, but only Prince, though his Father King Henry the Fourth had been dead now almost a month before; and secondly that the Parliament consulted *de Rege creando more majorum*, (as Polidor his words are,) that is, of making a new King according to the antient custom of their Ancestors, which argueth that he was not yet King, though his Father were dead, not that the manner of our old English Ancestors, was to account him so, before his Admission.

Polydor.  
Virg. lib.  
22. Histor.  
Angliae in  
vita Hen-  
rici V.

Stow in  
the begin-  
ning of the  
life of King  
Henry V.

Notes of  
this Aff.

2.

Third-

*Thirdly*, That this demonstration of good-will of the Nobility to acknowledge him for King before his Coronation, and Oath solemnized, well and justly to Govern the Realm, was very extraordinary, and of meer good-will. And Last of all, That this was never done to any Prince before King Henry the Fifth. All which Points do demonstrate, that it is the Coronation and Admission; that maketh a Perfect and True King, whatsoever the Title by Succession be otherwise, and that except the Admission of the Common-wealth be joynted to Succession, it is not sufficient to make a lawful King; and of the two the second is of far more importance, to wit, the Consent and Admission of the Realm, than nearness of Bloud by Succession alone.

*Admission  
of more  
importance  
than Suc-  
cession.*

This I might prove by many Examples in England it self, where Admission hath prevailed against Right of Succession, as in William Rufus that succeeded the Conquerour, and in King Henry the First his Brother, in King Stephen, King John and others, who by only Admission of the Realm were Kings, against the Order of Succession, as after more at large I shall shew you in a particular speech of this point I shall make unto you, and very specially it may be seen in the two Examples before-mentioned of the Admission of the two Kings, Henry and Edward, both surnamed the Fourth, whose entrances to the Crown, if a man do well consider, he shall find, that both of them founded the best part and the surest of their Titles upon the Election, Consent and Good-Will of the People: yea both of them at their dying-days having some remorse of Conscience (as it seemed) for that they had caused so many men to die for maintenance of their several Rights and Titles, had no better way to appease their own minds, but by thinking that they were placed in that Room by the Voice of the Realm, and consequently might

*See their  
last words  
to their  
Friends  
Sir Tho-  
mas Moore  
& Stow.*

*law-*

lawfully defend the same, and punish such as went about to deprive them.

Moreover, you shall find, if you look into the Doings of Princes in all Ages, that such Kings as were most Politick, and had any least doubt or suspicion of Troubles about the Title, after their Deaths, have caused their sons to be Crowned in their own days, trusting more to this than to their Title by Succession, though they were never so lawfully and lineally descended. And of this I could alledge you many Examples out of divers Countreys, but especially in France, since the last line of Capetus came unto that Crown, for this did Hugh Capetus himself to procure to be done to Robert his eldest Son, in his own days; and the like did King Robert procure for his younger son Henry the First, as Gerard holdeth, and excluded his Elder only by Crowning Henry in his own days: Henry also did intreat the States of France (as before you have heard,) to admit and Crown Philip the First, his Eldest Son, whilst himself reigned, and this man's Son Luys le Cros did the same also unto two Sons of his: First to Philip, and after his death to Luys the younger, which is the seventh of that name, for more assuring of his Son named Philip the Second, intreated the Realm to Admit and Crown him also in his own days, with that great solemnity, which in the former Chapter hath been declared.

And for this very same cause of Security it is not to be doubted, but that always the Prince of Spain is sworn and admitted by the Realm, during his Father's Reign, as before hath been said. The same consideration also moved King David to Crown his son Solomon in his own days, as afterwards more in particular shall be declared, and finally our King Henry also the second of England considering the alteration that the Realm had made

Why divers Kings caused their sons to be crowned in their own days.

Hird du  
Hailan lib.  
6. Hist.  
An. 1001.  
An. 1032.  
An. 1061.

An. 1131.

An. 1183.

3 Reg. 1.



Polyd. &  
Stow in  
vita Hen-  
rici II.

made in admitting King *Stephen*, before him, against the Order of *Lineal Succession by propinquity of Blood*: and fearing the like might happen also after him, caused his eldest son, named likewise *Henry*, to be Crowned in his life time, so as *England* had two King *Henrys* living at one time, with equal Authority; and this was done in the 16 year of his Reign, and in the year of our Lord 1170. But his Device had no good success, for that King *Henry* the Younger made War soon after upon King *Henry* the Elder, and had both the Kings of *France* and *Scotland*, and many Nobles of *England* and *Normandy*, to take his part, for which cause it is thought, that this thing hath never been put in practice again, since that time in *England*; but yet hereby it is evident, what the opinion of the world was in those days of the force of Coronation and Admission of the Commonwealth, and how little Propinquity of Blood prevaileth without that.

And for more ample proof hereof, and fuller conclusion of all the whole matter, I had thought to have laid down also in this place some number of the most notorious Examples, that I have read, (for I have read many,) wherein the Commonwealth upon just Occasions hath extended her Authority to alter the natural course of Succession by Birth; but for that the thing requireth some little study and looking over some Notes that I have taken out of Stories, for help of Memory, I shall deferr it until our next Meeting, at what time I shall by God's Grace make this point very clear, and so end my whole Discourse, for I see that I have been much longer than at the beginning I purposed; and now I desire much to give place unto our Temporal Lawyer, here present, who (I doubt not,) hath matter to say of more delectation and pleasure than this, though you of your courtesies have done me so much favour as to hear me hither-

hitherto with patience and attention. Whereunto the whole company answered, that not with patience, but with great pleasure, delight and contentation they had heard him, and so they would do the *Temporal Lawyer* also in his turn; But yet they desired him that nothing of this discourse might be omitted, but wholly finished, for that it gave very great satisfaction to all, and opened many important Points unto them, which they had never thought of before, and with this they parted for that night, every man unto his Lodging and Habitation.

## CHAP. VII.

*How the next in Succession by Propinquity of Blood hath often-times been put back by the Commonwealth, and other further off admitted in their places, even in those Kingdoms where Succession prevaieth; with many Examples of the Kingdoms of Israel and Spain.*

AT the next Meeting the *Civilian* came in very pensive, as though his head had been full of study, where being asked the reason, he answered, that he had revolved many Stories since his departure about the point which he promised to treat of, and that he had found such store and great variety of matter, as he knew not well where to end: For (quoth he) if I should begin with the Grecian Kings before-mentioned, it were infinite that might be alledged, and perhaps some man would say they were too too old, and far-fetched Examples, and

*The Civilian cloyed with copy.*

*Objections.* cannot be Presidents to us in these ages, and if I lay before you the Examples of Roman Kings and Emperours put in and out, against the Law, and Right of Succession: the same men perhaps will answer, that it was by force and injury of mutinous Souldiers, whereunto that Common-wealth was greatly subject. And if I should bring forth any Presidents and Examples of Holy Scriptures, some others might chance to reply that this was by particular privilege, wherein God Almighty would deal and dispose of things against the ordinary course of mans Law, as best liked himself whose will is more than Law, and whose Actions are right in self, for that he is Lord of all, and to be limited by no Rule or Law of man, but yet that this is not properly the Act of a Commonwealth, as our Question demandeth.

The Example of  
the Jews.  
1 Reg. 8.

Thus (I say,) it may be, that some man would reply, and therefore having store enough of plain and evident matter, which hath no exception, for that it hath happened in settled Commonwealths, and those nearer home, where the Law of Succession is received and established, to wit, in Spain, France and England: but yet putting you in mind before I pass any further, that it is a matter much to be marked, how God dealt in this point with the people of *Israel*, at the beginning, after he had granted to them that they should have the same Government of Kings, that other Nations round about them had, whose Kings did ordinarily reign by Succession, as ours do at this day, and as all the Kings of the *Jews* did afterwards; and yet this notwithstanding, God at the beginning, to wit, at the very entrance of their first Kings, would shew plainly that this Law of Succeeding of the one the other, by Birth and propinquity of Blood, (though for the most part it should prevail) yet that it was not so precisely necessary, but that, upon just causes it might be altered.

For

For proof whereof we are to consider, that, albeit he made *Saul* a true and lawful King over the *Jewes*, and consequently also gave him all Kingly Priviledges, Benefits and Prerogatives belonging to that Degree and State; whereof one Principal (as you know,) is to have his children succeed after him in the *Crown*: Yet after his death God suffered not any one of his generation to succeed him, though he left behind him many children, and among others *Ishboseth* a Prince of 40 years of age, whom *Abner* the General Captain of that Nation, with eleven *Tribes* followed for a time, as their Lawful Lord and Master by *Succession*, until God checked them for it, and induced them to reject him, though Heir apparent by descent, and to cleave to *David* newly elected King, who was a stranger by *Birth*, and no *Kin* at all to the King deceased.

And if you say here that this was for the sin of *Saul*, whom God hath rejected, I do confess it, but yet this is nothing against our purpose, for that we pretend not that a Prince, that is next in *Blond*, can justly be put back, except it be for his own defects, or those of his Ancestors. And moreover, I would have you consider, that by this it is evident, that the fault of the Father may prejudice the Sons Right to the *Crown*, albeit the Son have no part in the fault, as we may see in this example not only of *Ishboseth* that was punished, and deprived for the offence of *Saul* his Father (notwithstanding he had been proclaimed King, as hath been said) but also of *Jonathan*'s, *Saul*'s son, who was so good a man, and so much praised in Holy Scripture; and yet he being slain in War, and leaving a son named *Mephiboseth*, he was put back also, though by nearness of *Blond* he had great Interest in the *Succession*, as you see, and much before *David*.

King Saul

2 Reg. 3.  
Ch 21. 21.

An Objection answered.

King David made  
by Election  
2 Reg. 2.  
& 5.

Pfal. 131.

2 Paral. 6.

Adonias  
the elder  
son rejected

2 Reg. 1.

But *David* being placed in the *Crown* by Election, free Consent and Admission of the People of *Israel*, as the Scripture plainly testifies (though by motion and direction of God himself,) we must confesse, and no man I think will deny, but that he had given unto him therewith all Kingly Priviledges, Preheminences and Regalities, even in the highest degree, as was convenient to such a state; and among others the Scripture expressly nameth, that in particular it was assured him by God, that *his Seed should Reign after him, yea, and that for ever*; but yet we do not find this to be performed to any of his elder sons, (as by Order of *Succession* it should seem to appertain,) no nor to any of their off-spring or descents, but only to *Solomon*, which was his younger and tenth son, and the fourth only by *Bathsabee*, as before hath been touched.

True it is, that the Scripture recounteth how *Adonias*, *David's* elder son, that was of rare beauty and a very Godly young Prince, seeing his Father now very old and impotent, and to lye on his Death bed, and himself Heir apparent by antiquity of Bloud, (after the death of *Abisalom*, his elder brother that was slain before,) he had determined to have proclaimed himself *Heir apparent* in *Jerusalem*, before his Father dyed, and for that purpose had ordained a great Assembly and Banquet, and had called unto it both the High-Priest *Abiathar*, and divers of the Clergy, as also the General Captain of all the Army of *Israel*, named *Joab*, with others of the Nobility, and with them all the rest of his Brethren, that were sons to King *David*, saving only *Solomon*, together with many other Princes and great Men, both *Spiritual* and *Temporal* of that Estate, and had prepared for them a great Feast, as I have said, meaning that very day to proclaim himself *Heir apparent* to the *Crown*,  
and

and to be Crowned, as indeed by *Succession of blood* it appertained unto him : and this he attempted so much the rather, by counsil of his Friends, for that he saw the King his Father very old and impotent, and ready to dye, and had taken no order at all for his Successor, and moreover *Adonias* had understood, how that *Barsabee*, *Solomon's* Mother, had some hope to have her son reign after *David*, upon a certain promise that *David* in his youth had made unto her thereof, as also she had in the special favour and friendship which *Nathan* the Prophet, and *Zadok* the Priest, ( who could do much with the old King *David* ) did bear unto her son *Solomon*, above all the rest of his Brethren:

*The Motives of Adon.as.*

Hereupon ( I say ) these two, that is to say, Queen *Barsabee* and *Nathan* the Prophet, coming together to the old man, as he lay on his bed, and putting him in mind of his promise and oath made to *Barsabee* for the preferment of her son, and shewing besides, how that *Adonias* without his order and consent had gathered an Assembly to make himself King. even that very day, ( which did put the old King in very great fear and danger; ) and further also telling him, ( which pleased him well. ) *quod oculi totius Israel in eum respicerent, ut indicaret eis, quis sederet in solio suo post ipsum* : that is, that the eyes of all Israel were upon him, to see whom he would commend unto them, to sit in his seat after him, which was as much as to say, as that the whole Commonwealth referred it to his choice, which of his sons should reign after him.

*Perswasions to King David to make Solomon his Successor.*

3 Reg. 1.

Upon these Reasons and Perswasions, ( I say, ) the good old King was content that they should take *Solomon* out of hand, and put him upon the Kings own Mule, and carry him about the streets of *Jerusalem*, accompanied with his Guard and Court, and crying with sound of Trumpets *Vivat Rex Solomon*, and that *Zadok* the Priest should anoint him,

*The Coronation of Solomon.*

3 Reg. 1.

and after that he should be brought back, and placed in the *Royal Throne* in the *Palace*, and so indeed he was: at what time King *David* himself being not able through impotency to rise out of his bed, did him Honour and Reverence from the place where he lay: for so saith the Scripture, *Adoravit Rex in lectulo suo*, King *David* adored his son *Solomon* thus Crowned, even from his Bed, all which no doubt, though it may seem to have been wrought by humane means and policy, yet must we confess that it was principally by the especial Instinct of God himself, as by the sequel and success we see; so that hereby also we are taught that these & the like determinations of the people, Magistrates and Commonwealths, about admitting or refusing of Princes to Reign or not to Reign over them, when their designments are to good ends, and for just respects and causes, are allowed also by God, and often times are his own special drifts and dispositions, though they seem to come from man.

A Point to  
be noted.

The manner of admission of  
the Prince  
Rehoboam

3 Reg 12.

Whereof no one thing can give a more evident proof, than that which ensued afterwards to Prince *Rehoboam*, the lawful Son and Heir of this King *Solomon*, who after his Fathers death coming to *Sichem* where all the People of *Israel* were gather'd together, for his Coronation and Admission, according to his Right by *Succession*. For until that time we see he was not accounted true King, though his Father was dead, and this is to be noted, the People began to propose unto him certain conditions, for taking away of some hard and heavy Impositions, laid upon them by *Solomon* his Father, (an evident President of the Oath and Conditions that Princes do swear unto in these days at their *Coronation*,) whereunto when *Rehoboam* refused to yield, ten Tribes of the Twelve refused to admit him for their King, but chose rather

ther one *Jeroboam*, *Rehoboam's* servant, that was 3 Reg. 11. a meer stranger and but of poor parentage, and made him their lawful King, and God allowed thereof, as the Scripture in expresse words doth testify: and when *Rehoboam*, that took himself to be 5 Reg. 12. & 21. openly injured hereby, would by Arms have pursued his Title, and had gathered together an Army of an hundred and fourscore thousand chosen Souldiers, (as the Scripture saith,) to punish these Rebels, as he called them, and to reduce these ten Tribes to their due Obedience of their natural Princes: God appeared unto one *Semei*, an Holy man, and bade him go to the Camp of *Rehoboam*, and tell them plainly that he would not have them to fight against their Brethren that had chosen another King, but that every man should go home to his House, and live quietly under the King which each Party had, and so they did, and this was the end of that tumult, which God for the sins of *Solomon* had permitted and allowed of. And thus much by the way I thought good to touch out of Holy Scripture, concerning the *Jewish* Commonwealth, even at the beginning, for that it may give light to all the rest, which after I am to treat of; for if God permitted and allowed this in his own Commonwealth that was to be the example and pattern of all other that should ensue, no doubt but that he approveth also the same in other Realms, when just occasions are offered, either for his service, the good of the People and Realm, or else for punishment of the sins and wickedness of some Princes, that the ordinary line of Succession be altered.

Now then, to pass on further, and to begin with the Kingdoms of *Spain*, supposing ever this ground of God's Oodinance, as hath been declared: *First* I say, that *Spain* hath had three or four Races or Descents of Kings, as *France* also and *England* have had, and the first Race was from the *Gmbrs*, which Four Races of Spanish Kings. began



## A Conference touching Succession

Ambros.  
Moral. lib.  
11. Hist.  
c. 12.

began their Reign in *Spain* after the expulsion of the *Romans*, about the Year of Christ 416. to whom the *Spaniard* referreth all his Nobility, as the *Frenchman* doth to the *German Franks*, and the *English* to the *Saxons*, which entred *France* and *England* in the very same age, that the other did *Spain*, and the Race of the *Gothish* Kings endured by the space of 300 Years, until *Spain* lost unto the *Moors*.

2 Race.

Ambros.  
Moral. lib.  
13. c. 2.

The second Race is from *Don Pelayo* that was chosen first King of *Austria*, and of the Mountain-Country of *Spain*, after the destruction thereof by the *Moors*, about the Year of Christ 717 as before hath been touched, which Race continued and increased, and added Kingdom unto Kingdom for the space of other three hundred Years, to wit, until the Year of Christ 1034. when *Don Sancho* Major King of *Navarre* got unto his Power the Earldom also of *Aragon* and *Castilia*, and made them Kingdoms, and divided them among his Children; and to his second son, named *Don Ferdinando*, surnamed afterward *the Great*, he gave not only the said Earldom of *Castilia* with Title of Kingdom, but by marrying also of the Sister of *Don Dermudo* King of *Leon* and *Asturias*, he joined all those Kingdoms together, and so began from that day forward the third Race of the Kings of *Navar* to reign in *Castel*, and so endured for five hundred Years, until the Year of Christ 1540. when the House of *Austria* entred to Reign there by Marriage of the Daughter and Heir of *Don Ferdinando* surnamed *the Catholick*; and this was the fourth Race of *Spanish* Kings after the *Romans*, which endureth until this day.

3 Race.

Caribay  
lib. 20.  
c. 1

4 Race.

Examples  
of the first  
Race.

And albeit in all these four Races and Ranks of Royal Descents, divers Examples might be alledged for manifest proof of my purpose: yet will I not deal with the first Race, for that it is evident by the Councils of *Toledo* before-alledged, (which were holden in that very time) that in those days express Election

Election was joined with Succession, as by the deposition of King *Swintilla* and putting back of all his Children: as also by the Election and Approbation of King *Sisnando* that was further off by Succession, hath been insinuated before, and in the Fifth Council of that age in *Toledo*, it is decreed expressly in these words: *Si quis talis meditatus fuerit* (talking of pretending to be King) *quem nec electio omnium perfecit, nec Gothica gentis nobilitas ad hunc honoris apicem trahit: sit consortio Catholicorum privatus, & Divino anathemate condemnatus.* If any man shall imagin (said these Fathers) or go about to aspire to the Kingdom, whom the Election and Choice of all the Realm doth not make perfect, nor the Nobility of the Gothish Nation doth draw to the height of this Dignity, let him be deprived of all Catholick Society, and damned by the Curse of Almighty God. By which words is insinuated, that not only the Nobility of Gothish Blood, or nearness by Succession was required for the making of their King, but much more the Choice or Admission of all the Realm, wherein this Council putteth the Perfection of his Title.

Concil.  
Tol. 5. c.  
3.

The like determination was made in another Council at the same place, before this that I have alledged, and the words are these. *Nullus apud nos presumptione regnum arripiat, sed defuncto in pace Principe, optimates Gentis cum sacerdotibus successorem regni communi concilio constituant.* Which in English is thus, Let no man with us snatch the Kingdom by presumption, but the former Prince being dead in peace, let the Nobility of the Nation together with the Priests and Clergy, appoint the Successor of the Kingdom, by Common Council. Which is as much as to say, as if he had said, Let no man enter upon the Kingdom by presumption of Succession alone, but let the Lords Temporal and Spiritual, by common voice, see what is best for the Weal-Publick.

Conc. Tol.  
4. cap. 74.

Now then, according to these antient Decrees,

al-

## A Conference touching Succession

Examples  
of the se-  
cond Race.

Episcop.  
Tuyens l.  
1 Histoir.  
Ludou de  
Molin. li.  
de Hard.

King Don  
Pelayo.

Ambros.  
Mor. l. 13.  
cap. 6. 9.  
10.

Sebast.  
Episc. Sa-  
lam in  
hist. Hisp.

King Don  
Alonso &  
Don Fru-  
la.

albeit in the second race of *Don Pelayo*, the Law of Succession by propinquity of Blood, was renewed, and much more established than before, as the antient Bishop of *Tuy* and *Molina*, and other *Spanish* Writers do testify: yet that the next in *Bloud* was oftentimes put back by the Commonwealth upon just causes, these Examples following shall testify, as briefly recounted as I can possibly.

*Don Pelayo* dyed in the Year of our Lord 737, & left a son, named *Don Favilla*, who was King after his Father, and Reigned two Years only. After whose death none of his Children were admitted for King, though he left divers, as all Writers do testify. But as *Don Lucas*, the Bishop of *Tuy* a very antient Author writeth, *Aldefonsus Catholicus ab universo populo Gothorum eligitur*, that is, (as the Chronicler *Moralis* doth translate in *Spanish*,) *Don Alonso*, surnamed *the Catholic*, was chosen to be King by all voices of the *Gothish* Nation. This *Don Alonso* was son in Law to the former King *Favilla*, as *Morales* saith, for that he had his daughter *Ermenseinda* in Marriage, and he was preferred before the King's own Sons, only for that they were young and unable to Govern, as the said Historiographer testifyeth. And how well this fell out for the Commonwealth, and how excellent a King this *Don Alonso* proved, *Morales* sheweth at large, from the tenth chapter of his thirteenth Book unto the seventeenth, and *Sebastianus* Bishop of *Salamanca*, that lived in the same time, writeth that for his Valiant Acts he was surnam'd *the Great*.

To this Famous *Don Alonso* succeeded his son *Don Fruela* the first of that name, who was a Noble King for ten Years space, and had divers excellent Victories against the *Moors*, but afterwards declining to Tyranny, he became hateful to his Subjects, and for that he put to death  
wrong-

wrongfully his own Brother *Don Vimerano* a Prince of excellent parts, and rarely beloved of the *Spaniards*, he was himself put down, and put to death by them in the Year of Christ 768 And albeit this King left two goodly children behind him, which were lawfully begotten upon his Queen *Doña Maria*, the one of them a son called *Don Alonso*, and the other a daughter called *Dona Ximes*: yet for the hatred conceived against their Father, neither of them was admitted by the Realm to succeed him, but rather his Cousin German, named *Don Aurelio* brothers son to *Don Alonso the Catholick*, was preferred, and reigned peaceably six years, and then dying without issue, for that the hatred of the *Spaniards* was not yet ended against the memory of King *Fruela*, they would not yet admit any of his Generation, but rather excluded them again the second time, and admitted a Brother in Law of his named *Don Silo*, that was married to his sister *Dona Adosinda*, daughter to the foresaid Noble King Catholick *Alonso*.

Moral. li.  
13. cap. 17.  
An. 761.

Many  
branches  
of Succession.

Moral. c.  
21  
King Don  
Aurelio.

King Don  
Silo.

So that here we see twice the right Heirs of King *Don Fruela* for his evil Government were put back.

But *Don Silo* being dead without issue, as also *Don Aurelio* was before him, and the *Spaniards* angry against King *Fruela* being now well asswaged, they admitted to the Kingdom his foresaid son *Don Alonso* the younger, surnamed afterwards *the Chaste*, whom now twice before they had put back, as you have seen; but now they admitted him, though his Reign at the first endured very little, for that a certain bastard uncle of his, named *Don Mauregato* by help of the *Moors* put him out, and reigned by force six years, and in the end dying without issue, the matter came in deliberation again, whether the King *Don Alonso* the chaste that yet lived, and had been hidden in a Monastery

King Don  
Alonso the  
Chaste.

Mor. l. 13.  
cap. 25.

ry

*A strange  
delibera-  
tion.*

*Great Au-  
thority of  
Common-  
Wealth.*

*King Alon-  
so the chaste  
reigneth  
the second  
time.*

*Moral. c.  
28. & 29.  
An. 791.*

ry of *Galatia*, during the time of the Tyrant, should return again to Govern, or rather that his Cousin-german *Don Vermudo* son to his Uncle, the Prince *Vimerano* (whom we shewed before to have been slain by this mans Father King *Frnela*) should be elected in his place. And the Realm of *Spain* determined the second, to wit, that *Don Vermudo* though he were much further off by propinquity of Bloud, and within Ecclesiastical Order also (for that he had been made Deacon) should be admitted, partly for that he was judged for the more Valiant and Able Prince than the other, who seemed to be made more acquainted now with the Life of Monks and Religious men than of a King, having first been brought up among them for ten or twelve Years space, whilst *Don Aurelio* and *Don Silo* reigned after the death of his Father King *Frnela*, and secondly again other six Years, during the Reign of the Tyrant *Mauregato*, for which cause they esteemed the other to be fitter, as also for the different memories of their two Fathers, King *Frnela* and Prince *Vimerano*, whereof the first was hateful, and the other most dear, as before hath been declared, neither do any of the four antient Bishops, Historiographers of *Spain*, to wit, that of *Toledo*, *Beza*, *Salamanca* or *Ture*, that lived all about those days, and wrote the Story, reprehend this fact of the Realm of *Spain*, or put any doubt whether it were lawful or not for the causes before-recited.

True it is, that, after three years reign, this King *Vermudo* being weary of Kingly life, and feeling some scruple of Conscience, that being Deacon, he had forsaken the life Ecclesiastical, and married (though by dispensation of the Pope, as *Morales* saith,) and entangled himself with the affairs of a Kingdom, he resigned willingly the Government unto his said Cousin, *Don Alonso* the Chaste, and him.

himſelf lived after a Private Life for divers Years; But this *Don Alonſo*, who now the fourth time had been deprived of his Succeſſion, as you have ſeen, deceived the expectation of the *Spaniards*, that accounted him a *Monk*, for he proved the moſt valiant and excellent King that ever that Nation had, both for his vertue, valour, victories againſt the *Moores*, building of Towns, Caſtles, Churches, Monafteries and other ſuch Works of Chriſtianity, as *Morales* recounteth: and he reigned after his laſt Admiſſion one and fifty years, and had great friendſhip with King *Charles* the Great of *France*, who lived in the ſame time with him. And this man among other moſt noble Exploits ſo ramed the *Moors* of his Countrey, as during his days, he never paid that cruel and horrible Tribute which before and after was paid by the *Chriſtians* to the *Moors*, which was an hundred young Maids and fifty Sons of Gentlemen every Year to be brought up in the Religion of *Mahomet*, among thoſe Inſidel Tyrants. And finally this man, after ſo much Affliction, came to be one of the moſt renowned Princes of the World.

Moral. li.

13. cap.

45. 46.

Anno 142.

An horrible  
Tribute.

After this *Don Alonſo*, who left no Children, for that he would never marry, but lived all his Life in Chaſtity; there ſucceeded to him by Election his Nephew, named *Don Ramiro*, ſon to the former ſaid King *Don Vermudo* the Deacon, that gave this Man the Crown, as you have heard; of whoſe Election *Morales* writeth theſe words, *Muerto el Rey Don Alonſo el caſto, fue eligido por los perlados y grandes del reyno, el Rey Don Ramiro primero deſte nombre, hyio del Rey Don Vermudo el diacono*. That is, the King *Don Alonſo* the chaſt being dead, there was choſen King by the Prelats and Nobility of the Realm, *Don Ramiro* the firſt of this Name, ſon of King *Vermudo* the Deacon, who reſigned his Crown to *Don Alonſo*, and it is to be noted, that, albejt this

King Don  
Ramiro by  
Election.

Moral. c.

31.

this *Don Ramiro* was next in Bloud to the Succession, after the death of his Uncle *Don Alonso* without Children, yet was he chosen by the States, as here it is said in expresse words.

The Kingdom of Spain a Majorazgo.

Moreover it is to be noted, that albeit this Author *Ambrosio, Morales*, and other *Spanish* Writers, do say, that in the time of this King *Ramiro*, the Law of Succession by propinquity in bloud was so revived and strongly confirmed, that as the Kingdom of Spain was made as *Majorazgo*, as he termeth it, which is, an Inheritance so entailed and tied only to the next in bloud, as there is no possibility to alter the same, and that from this time forward the King always caused his Eldest son to be named *King or Prince*, and so ever to be sworn by the Realm and Nobility, yet shall we find this Ordinance and Succession oftentimes to have been broken upon several considerations, as this Author himself in that very chapter confesseth.

King Don Ordonio An. 924.

Moral. l. 16. cap. 2. An. 924.

As for Example, after some descents from this man, which were *Don Ordonio* the first, this man's son, and *Don Alonso* the Third, *Don Garzia* and *Don Ordonio* the Second, all four Kings by Orderly Succession, it happened that in the Year of Christ 924 *Don Ordonio* the Second dying left four Sons and one Daughter lawfully begotten, and yet the State of Spain displaced them all, and gave the Kingdom to their Uncle *Don Fruela* second brother to their Father *Don Ordonio*, and *Morales* saith that there appeareth no other reason hereof, but only for that these Sons of the King deceased, were young, and not so apt to Govern well the Realm as their Uncle was.

But after a Years Reign this King *Fruela* dyed also, and left divers Children at mans Estate, and then did the *Spaniards* as much against them, as they had done for him before, against the Children of his Elder Brother. For they put them all by

by the Crown, and chose for their King *Don Alonso* the Fourth, which was eldest son to *Don Ordonio* the Second, before-named, that had been last King, saving one, and this man also (I mean *Don Alonso* the Fourth,) leaving afterwards his Kingdom, and betaking himself to a Religious habit, offered to the Commonwealth of Spain, his eldest Son lawfully begotten, named *Don Ordonio* to be their King, but they refused him, and took his Brother (I mean this Kings Brother,) and Uncle to the young Prince, named *Don Ramiro*, who reigned 19 Years, and was a most excellent King, and gained *Madrid* from the *Moors*, though noted for Cruelty, for imprisoning and pulling out the eyes afterwards of this King *Don Alonso* the Fourth, and all his Children and Nephews, for that he would have left his Habit, and returned to be King again. But this Fact my Author *Morales* excuseth, saying that it was requisite for the peace and safety of the Realm, so as here you see two most manifest alterations of Lineal Succession together by Order of the Commonwealth.

Furthermore, after this Noble King *Don Ramiro* the Second, succeeded as Heir apparent to the Crown his elder Son, *Don Ordinio* the Third of this name, in the Year of our Saviour 950. But this Succession endured no longer than unto his own death, which was after seven years, for then albeit he left a Son, named *El Enfante Don Vermudo*, yet he was not admitted, but rather his Brother *Don Sancho* the First of this Name, surnamed *El Gordo*, who was Uncle to the young Prince, and the reason of this Alteration *Morales* giveth in these express words: *el succeder en el regno, al hermano, fue por la racon ordinaria de ser el enfante, Don Vermudo nino y no bastante para el gobierno y difensa de la terra.* Which is the cause why the Kings Brother and not his son succeeded in the Crown,

*Don Alonso*  
so IV.

*Don Ramiro*  
*Morales* lib. 19  
cap. 20.  
An. 930.

*Don Ordonio* III.  
An. 950.

*Don Sancho* I.

*Morales* l.  
16. cap. 29  
An. 950.



Crown, was for the ordinary reason, (so often before alledged) for that the Infant or young Prince *Vermudo* was a little child, and not sufficient for the Government and Defence of the Countrey.

Mor. l. 17.  
c. 1. 2. 3.  
4.

Truth it is; that after this *Don Sancho* had reigned, and his Son and Heir named *Don Ramiro*, the Third, after him, for the space of thirty years in all, then was this youth *Don Vermudo* (that is now put back) called by the Realm to the Succession of the Crown, and made King by the name of King *Vermudo* the Second, who left after him *Don Alonso* the Fifth, and he again his son *Don Vermudo* the Third, who marrying his sister *Dona Sancha* (that was Heir,) unto *Don Ferdinando*, the first Earl, and then King of *Castile*, (who was second son to *Don Sancho Mayor* King of *Navar*, as before hath been said) he join'd by these means the Kingdoms of *Leon* and *Castile* together, which were separate before, and so ended the line of *Don Pelayo* first Christian King of *Spain*, after the entrance of the *Moors*, which had endured now three hundred years, and the Bloud of *Navar* entred, as you see, and so continued therein, until the entrance of those of *Austria*, as before hath been said, which was almost five hundred years together.

The end of  
the race of  
Don Pelayo.

Of the descent  
following.

And thus much I thought good to note out of the Histories of *Spain*, for this first descent of the *Spanish* Kings, after the entrance of the *Moors*, neither mean I to pass much further, both for that it would be too long, as also for that mine Author *Morales*, who is the most diligent that hath written the Chronicles of that Nation, endeth here his History with King *Vermudo* the Third, and last of the *Gothish* Bloud.

Spanish  
Examples  
in the second  
descent.

Notwithstanding if I would go on further, there would not want divers evident Examples also to the same purpose, which *Stephen Garabaz* another Chro-

Chronicler of *Spain* doth touch in the continuation of this History, whereof for Examples sake only I will name two or three among the rest.

And first about the year of Christ 1201. there was a Marriage made by King *John* of *England* for *Dona Blanca* his Neece, that is to say, the daughter of his Sister Dame *Eleanor*, and of *Don Alonso* the Ninth of that name King and Queen of *Spain*; which *Blanca* was to marry the Prince of *France*, named *Luis*, Son and Heir to King *Philip* surnamed *Augustus*, which *Luis* was afterwards King of *France* by the name of *Luis* the VIII. and was Father to *Luis* the IX surnamed *the Saint*.

An. 1201

Garib. li.  
11. cap.  
12. & 17.

This Lady *Blanca* was Neece, as I have said, unto King *John* and to King *Richard* the First of *England*; for that her Mother, Lady *Eleanor*, was their sister, and daughter to King *Henry* the Second, and King *John* made this Marriage, thereby to make peace with the *French*, and was content to give for her Dowry, (for that he could not tell how to recover them again) all those Towns and Countreys which the said King *Philip* had taken from the *English*, by this King's evil Government in *Normandy*; and *Gascony* and moreover promise was made, that if the Prince *Henry* of *Spain* (that was the only brother to the Lady *Blanch*) should die without issue, (as after he did,) then this Lady should succeed in the Crown of *Spain* also; But yet afterwards the State of *Spain* would not perform this, but rather admitted her younger sister *Dona Berenguela*, married to the Prince of *Leon*, and excluded both *Blanch* and her son the King *S. Luis* of *France* against the evident Right of Succession and propinquity of Blood; and the only Reason they yielded hereof, was, not to admit Strangers to the Crown, as *Garabay* testifieth.

Lady Eleanor an English Woman Queen of Spain.

Garib. l.  
13. cap.  
10. An.  
1207.

This happened then, and I do note by the way, that this *Dona Berenguela* second Daughter of  
K Queen

An Eng-  
lish Queen  
Grand-mo-  
ther to two  
King  
Saints at  
once Ano-  
ther  
breach of  
Succession.

Queen *Eleanor*, the *English* Woman, was married ; (as hath been said,) to the Prince of *Leon*, and had by him *Don Fernando* the Third of that name, King of *Castilia*, surnamed also *the Saint* ; So as the two Daughters of an *English* Queen had two Kings Saints for their sons at one time ; the elder of *France*, and the younger of *Spain*.

After this again, about threescore years the Prince of *Spain* named *Don Alonso*, surnamed *de la cerda*, for that he was born with a great gristle-hair on his breast, called *Cerda* in *Spanish*, which *Don Alonso* was Nephew to the King *Fernando* the Saint, and married with the Daughter of Saint *Luis* King of *France*, named also *Blancha*, as her Grand-mother was, and had by her two Sons called *Alonso* and *Hernando de la cerda*, as the Prince their Father was named, which Father of theirs dying before the King, the Grand-father left them commended to the Realm as lawful Heirs apparent to the Crown, yet for that a certain Uncle of theirs named *Don Sancho* younger Brother to their Father which *Don Sancho* was surnamed afterwards *el bravo*, for his valour, and was a great Warriour, and more like to manage well the matters of War than they : he was made Heir apparent of *Spain*, and they put back in their Grand-fathers time, and by his and the Realms consent, (their father, as I have said, being dead,) and this was done in a General Parliament holden at *Segovia* in the year 1276. And after this, *Don Sancho* was made King in the year 1284 and the two Princes put into prison; but afterwards at the suit of their Uncle King *Philip* the Third of *France*, they were let out again, and endued with certain Lands, and so they remain unto this day; and of these do come the Dukes of *Medina Celi*, and all the rest of the House of *Cerda* which are of much Nobility in *Spain* at this time, and King  
Phi-

The *Cerda* is  
put back  
from the  
Crown.  
1276.

*Philip*, that reigneth, cometh of *Don Sancho* the younger Brother.

Not long after this again when *Don Pedro* surnamed *the Cruel King of Castile*, was driven out, and his bastard brother *Henry* the Second set up in his place, as before hath been mentioned: the Duke of *Lancaster*, *John of Gant*, having married *Dona Constantia* the said King *Peter's* daughter and Heir, pretended by Succession the said Crown of *Castile*, as indeed it appertained unto him, but yet the State of *Spain* denied it flatly, and defended it by Arms, and they prevailed against *John of Gant*, as did also the race of *Henry* the Bastard against his lawful Brother, and the race of *Don Sancho* the Uncle against his lawful Nephews, as hath been shewed, and that of *Dona Berenguela* against her elder Sister; all which Races do reign unto this day, and these three Changes of the *True Line* happened within two Ages, and in the Third and principal descent of the *Spanish* Kings, when this matter of *Succession* was most assuredly and perfectly established, and yet who will deny but that the Kings of *Spain*, who hold by the latter Titles at this day, are true and lawful Kings.

Well, one Example will I give you more out of the Kingdom of *Portugal*; and so will I make an end with these Countreys. This King *Henry* the Bastard last named King of *Spain* had a son that succeeded him in the Crown of *Spain*, named *John the First*, who married the Daughter and Heir named *Dona Beatrix* of King *Fernando* the First of *Portugal*, but yet after the death of the said King *Fernando* the States of *Portugal* would never agree to admit him for their King for not subjecting themselves by that means to the *Castilians*, and for that cause they rather took for their King a Bastard Brother of the said late King *Don Fernando*, whose name was *Don Juan*; a youth of twenty

Garabay  
l. 15. c. 1.  
an. 1363.

Many alterations of  
Lineal descent.

Don John  
the first  
bastard  
King of  
Portugal.

Garib.

l. 15. c. 22

c. 1. 34.

c. 39.

years old, who had been Master of a Military Order in *Portugal*, named *de Avis*, and so they excluded *Dona Beatrix* Queen of *Castile* that was their lawful Heir, and chose this young man, and married him afterwards to the Lady *Philippe* daughter of *John* of *Gant* Duke of *Lancaster*, by his first Wife *Blanch*, Dutcheß and Heir of *Lancaster*, in whose Right the Kings of *Portugal* and their Descendents do pretend unto this day a certain Interest to the House of *Lancaster*, which I leave to our Temporal Lawyer to discuss: But hereby we see what an ordinary matter it hath been in *Spain* and *Portugal*, to alter the Line of next Succession, upon any reasonable consideration, which they imagined to be for their Weal-Publick; and the like we shall find in *France* and *England*, which even now I will begin to treat of.

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## CHAP. VIII.

*Diues other Examples out of the States of France and England for proof that the Next in Bloud are sometimes put back from Succession, and how God had approved the same with good success.*

Of the  
State of  
France.

An. 419.

AS concerning the Estate of *France*, I have noted before, that, albeit since the Entrance of their first King *Pharamond*, with his *Franks*, out of *Germany*, which was about the year of Christ 419. they have never had any stranger come to wear the Crown, which they attribute to the benefit of their Law *Salique*, that forbiddeth Women to reign, yet among themselves have they changed

ged twice their whole Race and Linage of Kings, once in the entrance of King *Pepin*, that put out the Line of *Pharamond*, about the Year 751. and again in the promotion of King *Hugo Capetus*, that put out the Line of *Pepin*, in the year 988. so as they have had three Descents and Races of Kings, as well as the *Spaniards*, the first of *Pharamond*, the second of *Pepin*, and the third of *Capetus*, which endureth unto this present, if it be not altered now by the exclusion that divers pretend to make of the King of *Navar*, and other Princes of the Blood Royal of the House of *Burbon*. An. 751.  
An. 988.

Wherefore, as I did before in the *Spaniards*, so I will here let pass the first rank of all of the *French* Kings; so that some men may say perhaps that the *Commonwealth and Law of Succession was not so well settled in those days, as it hath been afterwards, in the time of Pepin, Charles the Great and their descendants*, as also for that it were in very deed too tedious to examine and peruse all three Ranks of Kings in *France*, as you will say when you shall see what store I have to alledge out of the second Rank only, which began with the exclusion and deposition of their lawful King *Childerick the Third*, and election of King *Pepin*, as before you have heard at large declared in the third chapter of this discourse, and it shall not be needful to repeat the same again in this place. Examples  
of the two  
Ranks of  
French  
Kings.

*Pepin* then surnamed *le Brese*, or the Little, for his small stature, (though he were a Giant in deeds,) being made King of *France* by meer Election, in the year of Christ 751. after 22 Kings that had reigned of the first Line of *Pharamond*, for the space of more than three hundred years, and being so famous and worthy a King, as all the World knoweth, reigned 18 years, and then left his States and Kingdoms by Succession unto his Eldest Son *Charles* surnamed afterwards the Great; King Pe-  
pin by  
Election.  
An. 751.

King  
Charles  
by Election.

Gerard  
the Italian  
lib. 1. an.  
208.

Eginard  
Belfor. li.  
2 cap. 5.

The Uncle  
preferred  
before the  
Nephew.

Paul. Mili  
hist. Franc.

for his famous and Heroical Acts. And albeit the the whole Kingdom of *France* appertained unto him alone by the Law of Succession, as hath been said, his Father being King, and he his eldest son: yet would the Realm of *France* shew her Authority in his Admission, which Gerard setteth down in these words, *Estant Pepin decide, les Francois esleurent Rois, Charles & Carlomon, ses fils, a la charge, qu'ils partageroient entre eux, également, le Royaume.* Which is, King Pipin being dead, the Frenchmen chose for their Kings his two sons, Charles and Carlomon, with condition, that they should part equally between them the Realm. Wherein is to be noted, not only the Election of the Commonwealth, besides Succession, but also the heavy Condition laid upon the Heir to part half of his Kingdom with his younger brother, and the very same words hath Eginard an antient French Writer, in the Life of this Charles the Great, to wit, *that the French State in a publick Assembly did chuse two Princes to be their Kings, with expresse condition to divide the Realm equally, as Francis Belforest cites his words, which two French Authors, (I mean Gerard and Belforest,) I shall use principally hereafter in the rest of my citations.*

After three years that these two Brethren had reigned together, King Carlomon the younger died, and left many sones, the elder whereof was named *Adalgise*, but Belforest saith, *that the Lords Ecclesiastical and Temporal of France swore fidelity and obedience to Charles, without any respect or regard at all of the Children of Carlomon, who yet by Right of Succession should have been preferred, and Paulus Emilins a Latine Writer saith, Proceres regni ad Carolum ultro venientes Regem cum totius Gallie salutarunt:* That is, The Nobility of the Realm coming of their own accord unto Charles, saluted him King of France, whereby is shewen that this exclusion of the

the Children of *Carloman*, was not by force or tyranny, but by free deliberation of the Realm.

After *Charles the Great* reigned by Succession his onely son *Luy*, the First, surnamed *de Bonnaire* of his Courtesy, who entring to reign in the year 817. with great applause of all men, for the exceeding grateful memory of his Father, was yet afterward at the pursuit principally of his own three sons by his first Wife, (which were *Lothair*, *Pepin* and *Luy*), deposed, first in a Council at *Lions*, and then again at *Compeigne*, and put into a Monastery, though afterwards he came to reign again, and his fourth Son by his second Wife, (which son was named *Charles le Chauve*, for that he was bald,) succeeded him in the Sates of *France*, though after many Battels against his eldest Brother *Lothaire*, to whom by Succession the same appertained.

After *Charles the Bald* succeeded *Luy* the second, surnamed *le Begue*, for his stuttering, who was not eldest, but third son unto his Father, for the second died before his Father, and the eldest was put by his Succession for his evil demeanur; this *Luy* also was like to have been deprived by the States at his first entrance, for the hatred conceived against his Father *Charles the Bald*, but that he calling a Solemn Parliament at *Compeigne*, as *Gerard* saith, he made the People, Clergy and Nobility many fair Promises to have their Good wills. This *Luy* the Stuttering left two Bastard Sons, by a Concubine, who were called *Luy* and *Carloman*, as also he left a little Infant, newly born of his lawful Wife *Adeltrude*, Daughter to King *Alfred* of *England*, which infant was King of *France*, afterwards by the name of *Charles the Simple*, albeit not immediatly after the death of his Father, for that the Nobles of *France* said, that they had need of a Man to be King, and not a Child, as *Gerard* re-

King *Luy*  
de bon-  
naire.  
An. 814.

*Gerard*.  
l. 5.  
An. 834.  
An. 840.

An. 878.

*Baudin en*  
*la Chroni-*  
*que*, pag.  
119.  
*Gerard* l. 1.  
An. 879.

Two Ba-  
stards pre-  
ferred.



porteth; and therefore the whole State of *France* chose for their Kings the two foresaid Bastards, *Luis* the Third, and *Carlomon* the First of that name jointly, and they were Crowned most solemnly, and divided the whole Realm between them; in the year of Christ 881. and Queen *Adeltrude* with her child true Heir of *France*, fled into *England* to her Father, and there brought him up for divers years, in which time she saw four or five Kings Reign in his place in *France*, one after the other; for briefly thus it passed.

Of these two Bastard Kings the Elder named *Luis* reigned but four years, and died without issue; the second, that is *Carlomon* lived but one year after him, and left a son called also *Luis*, which succeeded in the Kingdom by the name of *Luis* the Fifth, and surnamed *Faineant* for his idle and slothful life. For which as also for his vitious behaviour, and in particular for taking out, and marrying a Nun of the Abbey of *S. Baudour* at *Chels* by *Paris*, he was deprived and made a Monk in the Abbey of *S. Denis*, where he died, and in his place was chosen King of *France*, and Crowned with great Solemnity, *Charles* the Fourth Emperour of *Rome*, surnamed *le Gros*, for that he was fat and corpulent, he was Nephew to *Charles* the *Bald*, before mentioned; and therefore the *French* Stories say, that he came to the Crown of *France* partly by Succession, and partly by Election; but for Succession, we see that it was nothing worth, for so much as *Charles* the Simple, the right Heir, was alive in *England*, whom it seemeth that the *French* men had quite forgotten, seeing that now they had not only excluded him three times already, as you have heard; but afterwards also again when this *Gros Charles* was for his evil Government by them deposed and deprived, not only of the Kingdom of *France*, but also of his Empire, which he had

*Luis* Faineant King of *France*  
An. 886.

*Charles* 4.  
*le Gros*,  
King of  
*France*.

*Gerard* li.  
5. An. 888

had before he was King, and was brought into such miserable penury, as divers write, that he perished for want. At this time, I say, the States of *France* Would not yet admit *Charles the Simple*, (though hitherto his *Simplicity* did not appear, but he seemed a *goodly Prince*,) but rather they chose for King, one *Odo*, Earl of *Paris* and Duke of *Angiers*, and caused him to be *Crowned*.

Odo a  
King, and  
after Duke  
of whom  
came Hug  
go Capet-  
tus.

But yet after a few years, being weary of this man's Government, and moved also somewhat with compassion towards the Youth that was in *England*, they resolved to depose *Odo*, and so they did, whilst he was absent in *Gascony*, and called *Charles the Simple* out of *England*, to *Paris*, and restored him to the Kingdom of *France*, leaving only to *Odo* for Recompense the State of *Aquitaine*, with Title of a *Duke*, wherewith in fine he contented himself, seeing that he could get no more. But yet his Posterity by vertue of this Election pretended ever after a Title to the Crown of *France*, and never left it off, until at length by *Hugo Capetus* they got it, for *Hugh* descended of this King and Duke *Odo*.

This King *Charles* then surnamed *the Simple*, an *English* Womans Son, as you have heard being thus admitted to the Crown of *France*, he took to Wife an *English* Woman, named *Elgina* or *Odin*, Daughter of King *Edward the Elder*, by whom he had a Son named *Louys*, and himself being a *Simple man*, as hath been said, was allured to go to the Castle of *Peronne* in *Picardy*, where he was made Prisoner, and forced to resign his Kingdom unto *Ralph* King of *Burgundy*, and soon after he dyed through Misery in the same Castle, and his Queen *Ogin* fled into *England* with her little son *Louys* unto her Uncle King *Adelstan*, as Queen *Adeltrude* had done before with her Son unto King *Alfred*, and one of the Chief in this Action for putting down of *the Simple*, was Counte *Hugh*, surnamed *the Great*, Earle of *Paris*,

Ralph I.  
King of  
France.

An. 927.

Fa-

Father unto *Hugo Capetus* which after was King.

But this new King *Ralph* lived but three Years after, and then the States of *France* considering the right Title of *Luis* the lawful child of King *Charles the Simple*, which *Luis* was commonly called now in *France* by the name of *d'Outremer*, that is, *beyond Sea*, for that he had been brought up in *England*: the said States being also greatly and continually solicited hereunto by the Embassadors of King *Adelstan* of *England*, and by *William* Duke of *Normandy*, surnamed *Long Spear*, Great Grandfather to *William the Conquerour*, who by the King of *England* was gained also to be of the young Princes part: for these Considerations, (I say,) they resolved to call him into *France* out of *England*, as his Father had been before him, and to admit and Crown him King, and so they did, and he Reigned 27 Years, and was a good Prince, and dyed peaceably in his Bed, in the Year of Christ 945.

*Luis IV.*  
*d'Outre-*  
*mer.*

The true  
Hair of  
France ex-  
cluded.

*Hugh Ca-*  
*pet other-*  
*wife*  
*Snatch-*  
*cape. 988.*

This King *Luis d'Outremer* left two Sons behind him, the Eldest was called *Lothaire the First*, who succeeded him in the Crown of *France*, & the Second was named *Charles* whom he made Duke of *Lorraine*. *Lothaire* dying left one onely Son named *Luis*, as his Grandfather was, who was King of *France*, by the name of *Luis the V.* and dying without issue after two Years that he had Reigned, the Crown was to have gone, by Lineal Succession unto his Uncle *Charles* the Duke of *Lorayne*, second Son to *Luis d'Outremer*, as is evident but the States of *France* did put him by it, for mislike they had of his Person, and did chuse *Hugo Capetus* Earl of *Paris*, and so ended the Second Line of *Pepin* and of *Charles the Great*, and entered the Race of *Hugo Capetus*, which endureth unto this day, and the *French* Stories do say that this Surname *Capet* was given to him when he was a boy, for that he was wont to snatch away his Fellows *Caps* from their Heads, whereof he was termed

termed *Snatch-Cap*, which some do interpret to be an *Abdement* that he should snatch also a *Crown* from the true Owners Head in time, as afterwards we see it fell out, though yet he had it by Election and Approbation of the Commonwealth, as I have said.

And in this respect all the *French* Chroniclers who otherwise are most earnest Defenders of their Law of Succession, do justify this Title of *Hugo Capetus* against *Charles*, for which cause *Francis Belforest* doth alledge the saying of *William Nangis*, an antient and diligent Chronicler of the Abbey of *S. Denys* in *France*, who defendeth King *Capetus* in these words, *We may not grant in any case, that Hugh Capet may be esteemed an Invader or Usurper of the Crown of France, seeing the Lords, Prelates, Princes and Governours of the Realm did call him to this Dignity, and chose him for their King and Sovereign Lord: Thus much Nangis: Upon which words Belforest saith as followeth, I have laid before you the Words and Censure of this Good Religious Man, for that they seem to me to touch the Quick, for in very Truth we can not by any other means defend the Title of Hugh Capet from Usurpation and Felony, than to justify his coming to the Crown by the consent and will of the Commonwealth, and in this I may well excuse me from inconstancy and contradiction to my self, that have so earnestly defended Succession before; for he that will consider how and wish what conditions I defended that, shall easily see also that I am not here contrary to the same: Thus much Belforest.*

Belfor. li.  
3. cap. 1.  
An. 988.

Defence of  
Hugh Ka-  
petus  
Title.

I think it not amiss also to put down here some part of the Oration or Speech which the Embassage of the States of France unto *Charles* of *Lorraine*, after their Election of *Hugh Capet*, and *Charles's* exclusion, did use unto him in their Names, which Speech *Gerard* doth recount in these words:

The Em-  
bassage of  
the States  
of France  
unto  
Charles of  
Lorraine.

Every

Gerard l.  
6. an. 988.

Every man knoweth, (Lord Charles,) that the Succession of the Crown and Realm of France according to the ordinary Law, and Rights of the same belongeth unto you, and not unto Hugh Capet now our King, but yet the very same Laws which do give unto you this Right of Succession, do judge you also unworthy of the same, for that you have not endeavoured hitherto to frame your Life and Manners according to the Prescript of those Laws, nor according to the Use and Custom of your Countrey of France, but rather have allyed your self with the German Nation, our old Enemies, and have acquainted your self with their vile and base manners. Wherefore seeing you have forsaken and abandoned the Antient Vertue, Sweetness and Amity of the French, We have also abandoned and left You, and have Chosen Hugh Capet for Our King, and have put You back, and this without any Scruple or Prejudice of our Consciences at all, esteeming it far better and more just to live under Hugh Capet the present Possessor of the Crown, with enjoying the antient Use of our Laws, Customs, Priviledges and Liberties, than under You the Inheritor by nearness of Bloud, in Oppression, strange Customs and Cruelty. For even as those which are to make a Voyage in a Ship upon a dangerous Sea, do not so much respect whether the Pilot is to Guide the Stern, be Owner of the Ship or not; but rather whether he be skilsful, valiant, and like to bring them in safety to their Ways end, or to drown them among the Waves: even so our Principal Care is, that we have a Good Prince to Lead and Guide us happily in this way of Civil and Politick Life, which is the End why Princes were appointed, for that this man is fitter to be our King.

Note this  
comparison

This Message did the States of France send to Charles of Lorayne in defence of their Doings, and with this he lost his Succession for ever, and afterwards his Life also in Prison, and the French men thought themselves Secure in Conscience, as you see,  
for

for doing the same, which God hath also since seemed to confirm with the Succession and happy success of so many Noble and most Christian Kings as have issued out of this Line of *Hugo Capetus* unto this day.

And this spoken now of the Second Line of *France*, I take to be sufficient for proof of our Purpose, without going any further, for that if we do but number these Kings already named that have Reigned in this second Race, from King *Pepin* downwards unto *Hugh Capet*, (which are about 17 or 18 Kings in 238. Years,) we shall find that not some few, but the most part of them did both enter and enjoy their Crowns and Dignities contrary to the Law of Lineal Descent, and of next Succession by Blood. Whereof also there would not want divers Examples in the third and last Descent, since *Hugo Capetus's* time, if we would pass further to Examine the Stories thereof. For not to go further down than to the very next Descent after *Hugh*, which was King *Robert* his Son; *Gerard* affirmeth in his Story, that of his two Sons which he had named *Robert* and *Henry*, *Robert* the Elder was put back, and his younger Brother *Henry* made King of *France*, and Reigned many Years by the name of *Henry the First*, and this he saith happened partly for that *Robert* was but a *Simple man* in respect of *Henry*, and partly also for that *Henry* was greatly favoured and assisted in this pretence by Duke *Robert* of *Normandy* Father to our *William* the Conquerour, and in recompense hereof, this King *Henry* afterwards assisted the said *William* Bastard son to *Robert* for the attaining of the Dukedom of *Normandy*, after the death of the said Duke *Robert* his Father, notwithstanding that Duke *Robert* had two lawful Brothers alive at that time, whose names were *Manger* Archbishop of *Roman*, and *William* Earl of *Arques*,

Example  
out of the  
third time  
of France.

Gerard. li.  
6. an.  
1032.

King Henry  
preferred  
before  
his elder  
Brother.

William  
Conquerour  
how he came  
to be Duke  
of Normandy

Gerard l.  
6. anno  
1032. &  
1037.

*gues*, in *Normandy*, who pretended by Succession to be preferred. But the States of *Normandy* at the request of Duke *Robert*, when he went to the *Holy Land*, (in which Journey he dyed,) as also for avoiding of Dissension and Wars that otherwise might ensue, were content to exclude the Uncles, and admit the Bastard son, who was also assisted by the Forces of the King of *France*, as hath been said; so as no Scruple it seemed there was in those days, either to prefer King *Henry* to the Crown of *France* before his Elder Brother, or Duke *William*, the Bastard son to the Dutchy of *Normandy* before his lawful Uncles upon such slow Considerations, as those States may be presumed to have had for their doings.

*Sons excluded for the Fathers offences.*

I read also that some years after, to wit, in the Year 1110. when *Philip* the First of *France*, Son and Heir to this King *Henry*, of whose solemn Coronation you have heard before in the seventh Chapter, was deceased, the People of *France* were so offended with his evil Life and Government, as divers were of opinion to disinherit his Son *Louis* the Sixth, surnamed *le Gros*, for his sake: and so was he like to have been indeed, as may appear by the Chronicle of *France*, if some of his Party had not caused him to be Crowned in haste, and out of Order. in *Orleans*, for preventing the matter.

*Gerard. l. 7. ann. 1110*

*Belfor. l. 4. c. 1. & 15.*

*Commæus in commentar. 11. in vita Ludovic. 11.*

The like doth *Philip Cominæus*, in his Story of King *Lnys* the Eleventh, declare, how that the State of *France* had once determined to have disinherited his Son *Charles*, named after the VIII. and to put him back from his Succession for their hatred to his Father, if the said Father had not dyed while the other was very young, as I noted before also, that it happened in King *Henry* the Third of *England*, who was once condemned by the *Barons* to be disinherited, for the fault of King *John* his Father, and *Louys* the Prince of *France* chosen

sen in his place, but that the death of King *John* did alter that Course intended by the *English* Nobility, so as this matter is neither new nor unaccustomed in all foreign Countreys, and now will I pass also a little to our *English* Stories, to see whether the like may be found in them or no.

And first of all that the Realm of *England* hath had as great Variety, Changes and Diversity in the Races of their *Kings*, as any one Realm in the World, it seemeth evident; for that first of all, after the *Britains*, it had *Romans* for their Governours for many years, and then of them and their *Roman* Bloud they had *Kings* again of their own, as appeareth by that Valiant King *Amleius Ambrosius*, who resisted so manfully and prudently the *Saxons* for a time, after this they had *Kings* of the *Saxon* and *English* Bloud, and after them of the *Danes*, and then of the *Normans*, and after them again of the *French*; and last of all, it seemeth to have returned to the *Britains* again, in King *Henry* the Seventh, for that his Father came of that Race: and now you know there be Pretenders of divers Nations, I mean both of *Scottish*, *Spanish* and *Italian* Bloud; so that *England* is like to participate with all their Neighbours round about them, and I for my part do feel my self much of the *French* opinion before-alleged, that so the Ship be well and happily guided. I esteem it not much important of what Race or Nation the Pilot be: but now to our purpose.

I mean to pass over the First and Antient Ranks of *Kings*, as well of the *British* and *Roman*, as also of the *Saxon* Races, until King *Egbert* the first of this name, King of the West *Saxons*. and almost of all the rest of *England* besides, who therefore is said to be properly the first Monarch of the *Saxon* Bloud, and he that first of all commanded that Realm to be called *England*, which ever since hath been observed.

Examples  
of the Re-  
alm of  
England.

Divers  
Races of  
English  
Kings.

The name  
of England  
and Eng-  
lish.

This



King Egbert the first Monarch of England.

Polidor hist. Aug. li 4. in fine.

An. 802.

King Pepin of France.

King Adelwulfe. An. 829.

King Alfred. 872.

This man *Egbert* being a young Gentleman of a Noble House in the West parts of *England*, was had in jealousy by his King *Britricus*, (who was the sixteenth King from *Cerdic*, first King of the West Saxons, as he was also the last of his Bloud. And for that he suspected that this *Egbert*, for his great Prowess, might come in time to be chosen King; he banish'd him into *France*, where he lived divers years, and was a Captain under the famous King *Pepin* that was Father to *Charles the Great*, and hearing afterwards that King *Britricus* was dead, he returned into *England* where *Polydor* saith, *omnium consensu Rex creatur*, that he was created or chosen King by consent and voice of all men, though yet he were not next by Propinquity of Bloud Royal, as is most evident, and yet he proved the most Excellent King that ever the Saxons had before, or perhaps after, and his Election happened in the Year of Christ eight hundred and two, when King *Pepin* the first of that Race reigned, (as hath been said,) in *France*, so as this Monarchy of *Egbert* and that of *Pepin*, (whereof we have alledged so many Examples in the former Chapter, (began as it were together, and both of them, (I mean both *Pepin* and *Egbert*,) came to their Crowns by Election of the People, as here you see.

This King *Egbert*, or *Egbrich*, as others do write him, left a lawful Son behind him named *Ethelwulfe*, or *Adelwulfe*, or *Edolph*, (for all is one,) who succeeded him in the Kingdom, and was as Worthy a man as his Father, and this *Adelwulfe* again had four lawful Sons, who all in their turns succeeded by just and lawful Order in the Crown, to wit, *Ethelbald*, *Ethelbert*, *Ethelred*, and *Alfred*, for that none of the former Three had any Children, and all the latter Three were most Excellent Princes, especially *Alfred*, or *Alfred*, the Last of all Four,

Four, whose Acts are wonderful, and who, among other his Renowned Gests, drove *Rollo* that Famous Captain of the *Danes* from the Borders of *England* with all his Company into *France*, where he got the Countrey or Province, named then *Neustria*, and now *Normandy*, and was the first Duke of that Province and Nation, and from whom our *William Conquerour* came afterwards in the sixth Descent. This man erected also the University of *Oxford*, being very Learned himself, builded divers goodly *Monasteries* and *Churches*, and dying left as famous a Son behind him, as himself, which was *Edward the First*, surnamed the Senior or Elder.

King Edward Elder.  
An. 900.

This King *Edward* dying left two Sons, lawfully begotten of his Wife *Edigna*, the one named Prince *Edmund*, and the other *Eldred*, and a Third *Illegitimate*, whose name was *Adelstan*, whom he had by a Concubine. But yet for that this man was esteemed to be of more valor than the other, he was preferred to the Crown, before the Two other Princes Legitimate, for so testifieth *Polidor* in these words, *Adelstanus ex concubina Edwardi filius, Rex à populo consalutatur, atque ad Kingstonum oppidum more majorum ab Athelmo Cantuariensi Archiepiscopo coronatur*, which is *Adelstan the Son of King Edward by a Concubin was made King by the People, and was Crowned according to the old custom by Athelme Archbishop of Canterbury at the Town of Kingston*. Thus far *Polidor*, and *Stow* addeth further these words: *His Coronation was celebrated in the Market-place, upon a Stage, erected on high, that the King might better be seen of the Multitude, he was a Prince of worthy memory, valiant and wise in all his Acts, and brought this Land into one perfect Monarchy, for he expelled utterly the Danes, and quieted the Welchmen*. Thus much *Stow* of the Success of Chusing this King Bastard

King Alston the Bastard preferred.  
An. 924.

*Polid. l. 5. hist. Angl.*

*Stow*  
pag. 136.  
An. 924.

to Reign. To whose Acts might be added that he conquered *Scotland*, and brought *Constantine* their King to do him homage, and restored *Lny d'On-tremier* his Sisters son to the the Kingdom of *France*, as before hath been signified.

King Ed-  
mond I.  
An. 940.

The Uncle  
preferred  
before the  
Nephews.  
946.  
Polid. l. 6.

Stow in  
his Chro-  
nicles.

This man dying without Issue his Lawful Brother *Edmond*, put back before, was admitted to the *Crown*, who being of excellent expectation dyed after six years, and left two Lawful Sons, but yet for that they were young, they were both put back by the Realm, and their Uncle *Eldred* was preferred before them, so saith *Polidor*, *Genuit Edmondus ex Egilda uxore Eduinum & Edgarum, qui cum atate pueri essent, post Eldredum deinde regnarunt.* King *Edmond* begat of his Wife *Egilda* two Sons named *Edwin* and *Edgar*, who for that they were but children in years, were put back, and Reigned afterwards after their Uncle *Eldred*. The like saith *Stow*, and yieldeth the same reason in these words, *Eldred succeeded Edmond his Brother for that his Sons Edwin and Edgar were thought too young to take so great a Charge upon them.*

This *Eldred*, though he entred, as you see against the Right of the *Nephews*, yet say *Polidor* and *Stow* that he had all mens Good-will, and was Crowned, as his Brother had been at *Kingston* by *Odo* Arch-bishop of *Canterbury*, and Reigned nine years with great good will and praise of all men. He dyed at last without Issue, and so his Elder Nephew *Edwin* was admitted to the *Crown*, but yet after four years he was deposed again for his lewd and vitious Life, and his younger brother *Edgar* admitted in his place in the year of Christ 959.

Edgar a  
famous  
King.

This King *Edgar* that entred by deposition of his Brother, was one of the rarest Princes, that the World had in his time, both for Peace and War, Justice, Piety and Valour. *Stow* saith, he kept a Navy

Navy of three thousand and six hundred Ships distributed in divers Parts for defence of the Realm. Also that he built and restored 47 Monasteries at his own Charges, and did other many such Acts: he was Father to King *Edward the Martyr*, and Grandfather to King *Edward the Confessor*, though by two different Wives; for by his first Wife named *Egilsfred* he had *Edwara* after martyrizd; and by his second Wife *Alfred* he had *Etheldred*, Father to *Edward the Confessor*, and to the end that *Etheldred* might Reign, his Mother *Alfred* caused King *Edward* the son of *Egilsfred* to be slain after King *Edgar* her Husband was dead.

*King Edward martyrizd.*

After this so shameful Murther of King *Edward* many good men of the Realm were of opinion not to admit the Succession of *Etheldred* his half Brother, both in respect of the Murther of King *Edward* his elder Brother, committed for his sake, as also for that he seemed a man not fit to Govern, and of this opinion among others was the Holy man *Dunston* Archbishop of *Canterbury*, as *Polidor* faith, who at length in flat words denyed to consecrate him, but seeing the most part of the Realm bent on *Etheldred's* side, he foretold them that it would repent them after, and that in this man's Life the Realm should be destroyed, as indeed it was, and he ran away to *Normandy*, and left *Sveno* and his *Danes* in possession of the Realm, though afterwards *Sveno* being dead, he returned again and dyed in *London*.

*King Etheldred. 978.*

*Polid. l. 7. hist. Aug.*

This *Etheldred* had two Wives, the first *Ethelgina* an *English* Woman, by whom he had Prince *Edmund* surnamed *Ironside*, for his great strength and valour, who succeeded his Father in the Crown of *England* for a year, and at his death left two Sons which after shall be named, and besides this *Etheldred* had by his first Wife other two Sons *Edwin* and *Adelston*, and one Daughter named *Edgi-*

*King Edmund Ironside.*

na, all which were either slain by the *Danes*, or dyed without issue.

Queen  
Emma  
Mother to  
King Ed-  
ward the  
Confessor.

The second Wife of *Etheldred* was called *Emma*, Sister to *Richard* Duke of *Normandy*, who was Grandfather to *William* the Conquerour, to wit, Father to Duke *Robert*, that was Father to *William*, so as *Emma* was great Aunt to this *William*, and she bare unto King *Etheldred* two Sons, the First *Edward*, who was afterwards named King *Edward* the Confessor, & *Alerud* who was slain traitersonly by the Earl of *Kent*, as presently we shall shew.

After the death also of King *Etheldred*, Queen *Emma* was married to the Dane King *Cannutus*, the first of that name, surnamed *the Great*, that was King of *England* after *Etheldred*, and *Edmond Ironside* his Son, and to him she bare a Son named *Hardicannutus*, who Reigned also in *England* before King *Edward* the Confessor.

Many  
breaches of  
Lineal  
Succession.

Now then to come to our Purpose, he that will consider the passing of the Crown of *England* from the death of *Edmond Ironside*, elder Son of King *Etheldred*, until the possession thereof gotten by *William* Duke of *Normandy*, to wit, for the space of 50 years, shall easily see what authority the Commonwealth hath in such Affairs, to alter titles of Succession, according as publick necessity or utility shall require; for thus briefly the matter passed.

King *Etheldred* seeing himself too weak for *Sveno* the King of *Danes*, that was entred the Land, fled with his Wife *Emma* and her two children *Edward* and *Alerud*, unto her Brother Duke *Richard* of *Normandy*, and there remained until the death of *Sveno*, and he being dead, *Etheldred* returned into *England*, made a certain Agreement and Division of the Realm between him and *Cannutus* the son of *Sveno*, and so dyed, leaving his eldest Son *Edmond Ironside* to succeed him, who soon after dying also left the whole Realm to the said

said *Canutus*, and that by plain Covenant, as *Canutus* pretended, that the Longest Liver should have all: whereupon the said *Canutus* took the two Children of King *Edmond Ironside* named *Edmond* and *Edward*, and sent them over into *Sweedland*, (which at that time was subject also unto him,) and caused them to be brought up honourably, of which Two the Elder named *Edmond* dyed without issue, but *Edward* was married, and had divers Children, as after shall be touched.

Sons of  
King Ed-  
mond  
Ironside.

*Etheldred* and his Son *Edmond* being dead, *Canutus* the Dane was admitted for King of England by the whole Parliament and Consent of the Realm; and Crowned by *Alerud* Archbishop of Canterbury, as *Polidor* saith, and he proved an excellent King, went to *Rome*, and was allowed by that See also. He did many Works of Charity, shewed himself a good Christian, and very loving and kind to Englishmen, married Queen *Emma* an Englishwoman, and Mother to King *Edward the Confessor*, and had by her a Son, named *Hardicanutus*, and so dyed and was much mourned by the English, after he had Reigned twenty Years, though his entrance and Title was partly by Force and partly by Election, as before you heard.

King Ca-  
nutus the  
First. 1018

After this *Canutus* the First, surnamed the Great, (for that he was King jointly both of England, Norway and Denmark,) was dead, *Polidor* saith that all the States of the Realm met together at Oxford to consult whom they should make King, and at last by the more part of Voices was chosen Herauld the first Son of *Canutus* by a Concubine, by which Election we see injury was done to the Lineal Succession of three Parties, first to the Sons of King *Edmond Ironside* that were in *Sweedland* then to the Princes of *Edward* and *Alerud* Sons to King *Etheldred*, and Brothers to *Ironside* that were in *Normandy*, and thirdly to *Hardicanutus* Son to *Canutus* by his

King Ha-  
rald the  
Bastard.  
1038.

Polyd.  
l. 8. hist.  
Angl.

Lawful Wife *Emma*, to whom it was also assured at her Marriage, that her Issue should succeed, if she had any by *Canutus*.

King Har-  
dicanutus.  
Anno  
1041.

After the death of this *Harald*, who dyed in *Oxford* where he was elected, within three years after his Election, there came from *Denmark* *Hardicanutus* to claim the Crown, that his Father and Brother had possessed before him, of whose Coming *Polidor* saith; *libentissimis animis accipitur communique omnium consensu Rex dicitur. He was received with great good-will of all, and by common Consent made King*: and this was done by the States without any respect had of the Succession of those Princes in *Normandy* and *Swedeland*, and who by birth were before him, as hath been shewed; and this is the second breach of Lineal Descent after *Etheldred*.

Alfred the  
younger  
Brother  
preferred.

But this *Hardicanutus* being dead also upon the sudden at a certain Banquet in *Lambeth* by *London* without issue, within two years after his Coronation, the States of the Realm had determined to chuse *Alfred* for their King, who was younger Brother to *Edward*, and for that cause sent for him out of *Normandy*, as *Polidor* recounteth, and had made him King without all doubt, (for that he was esteemed more Stirring and Valiant than his elder Brother *Edward*) had not Earl *Goodwin* of *Kent* fearing the young man's stomach raised a strong Faction against him, and thereupon also caused him to be traiterously murdered as he passed through *Kent* towards *London*; nor had the State herein any respect to Antiquity of Blood, for that before *Alfred* were both his own elder Brother Prince *Edward*, (who after him was chosen King,) and before them both were *Edmond* and *Edward* the Children of their elder Brother *Edmond Ironside*, as hath been said, and this is the third Breach of Lineal Descent,

But

But this notwithstanding, *Alured* being ſlain, Prince *Edward* was made King, *tanta publica latitia* (ſaith *Polidor*) *ut certatim pro ejus ſalici Principatu, cuncti vota facerent.* That is, *He was made King with ſuch univerſal joy and contentment of all men, as every man contended who ſhould pray and make moſt Vows to God for his happy Reign:* And according to this was the Succeſs, for he was a moſt Excellent Prince, and almoſt miraculoſly, he Reigned with great Peace, and void of all War at home and abroad, for the ſpace of almoſt twenty years, after ſo infinit Broils as had been before him, and enſued after him; and yet his Title by Succeſſion cannot be juſtified, as you ſee, for that his eldeſt Brothers Son was then alive, to wit, Prince *Edward*, ſirnamed *the Outlaw*, who in this Kings Reign came into *England*, and brought his Wife and three law-ful Children with him, to wit, *Edgar*, *Margaret* and *Chriſtian*: but yet was not this good King *Edward* ſo ſcrupulous, as to give over his Kingdom to any of them, or to doubt of the Right of his own Title, which he had by Election of the Commonwealth, againſt the Order of Succeſſion.

King *Edward* the Confeſſor made King againſt Right of Succeſſion.

Prince *Edward* the Outlaw and his Children put back.

This King *Edward* being dead without iſſue, *Polidor* ſaith, that the States made a great Conſultation, whom they ſhould make King, and firſt of all it ſeemeth they excluded him, that was only Next by Propinquity in Bloud, which was *Edgar Adelin*, Son to the ſaid Prince *Edward* the Outlaw now departed, and Nephew to King *Edmond Ironſide*, and the reaſon of this excluſion is alledged by *Polidor* in theſe words, *is puer id ætatis nondum regno gubernando maturus erat:* That is, *he being a Child of ſo ſmall years was not ripe enough to Govern the Kingdom.* And then he ſaith that *Harald* Son of Earl *Goodwin*, by the Daughter of *Canutus*, the Firſt, proclaimed himſelf King, and moreover he addeth, *Non diſplicuit omnino id factum populo,*

*Pslyd. l. 8.*

*Harald ſecond King by Election. 1066.*

*Polid. ubi ſup.*



*qui plurimum spei in Haraldī virtute habebat, itaque more majorum sacratus est*, which is, This fact of Harald displeased not at all the People of England, for that they had great hope in the vertue of this Harald, and so was he Anointed and Crowned according to the Fashion of the antient Kings of England. By which words we may see that Harald had also the approbation of the Realm to be King, notwithstanding that little Edgar was present, as hath been said, so as this was the fourth Breach of Succession at this time.

William  
Duke of  
Normandy  
King of  
England  
An. 1066.  
by Election.

Gerard.  
li. 6. An.  
1065.

Chron.  
Cassin. l. 3.  
cap. 34.

But in the mean space William Duke of Normandy pretended that he was chosen before by King Edward the Confessor, and that the Realm had given their consent thereunto, and that King Edward left the same testified in his last Will and Testament; and albeit none of our English Authors do avow the same clearly, yet do many other foreign Writers hold it, and it seemeth very probable that some such thing had past, both for that Duke William had many in England that did favour his Pretence at his entrance, as also, as Gerard in his French Story saith, that at his first Coming to London he punished divers by name, for that they had broken their Oaths and Promises in that behalf: And moreover it appeareth that by alledging this Title of Election he moved divers Princes abroad to favour him in that Action, as in a just Quarrel, which is not like they should have done, if he had pretended only a Conquest, or his Title of Consanguinity, which could be of no importance in the World for that effect, seeing it was no other but that his Grandfather and King Edward's Mother were Brother and Sister, which could give him no pretence at all to the Succession of the Crown, by Bloud, and yet wee see that divers Princes did assist him; and among others the French Chronicler Gerard, so often named before, writeth that Alexander

*xander* the second Pope of *Rome*, (whose Holiness was so much esteemed in those days as one *Constantinus* After writ a Book of his Miracles,) being informed by Duke *William* of the Justness of his pretence, did send him his Benediction and a precious Ring of Gold, with an Hallowed Banner, by which he got the Victory; thus writeth *Gerard* in his *French Chronicles*, and *Antoninus* Archbishop of *Florence*, surnamed *Saint*, writing of this matter in his *Chronicles* speaketh great good of *William Conquerour*, and commendeth his Enterprize. But howsoever this was the Victory we see he got, and God prospered his Pretence, and hath confirmed his Offspring in the Crown of *England* more than 500. Years together; So as now, accounting from the the death of King *Edmond Ironside*, unto this man, we shall find, (as before I have said,) in less than 50 Years, that 5. or 6. Kings were made in *England* one after another, by only Authority and Approbation of the Commonwealth, contrary to the ordinary Course of Lineal Succession by Propinquity of Blood.

*Antoninus*  
part. 2.  
Chron.  
tit. 16.  
cap. 5.  
§. 1.

And all this is before the Conquest, but if we should pass any further down, we should find more Examples than before. For First, the two Sons of the *Conquerour* himself, that succeeded after him, to wit, *William Rufus* and *Henry the I.* were they not both younger Brothers to *Robert* Duke of *Normandy*, to whom the most part of the Realm was inclined, (as *Polydor* saith,) to have given the Kingdom presently after the *Conquerours* death, as due to him by Succession, notwithstanding that *William* for particular displeasure against his elder Son, had ordained the contrary in his Testament. But that *Robert* being absent in the War of *Hierusalem*, the Holy and Learned man *Laufrauke*, (as he was accounted then,) Archbishop of *Canterbury*, being deceived with vain hope of *William Rufus's* good nature,

*Examples*  
after the  
conquest.

*Polyd.* in  
vita *Gul.*  
*Conq.*

*William*  
*Rufus*  
King.  
An. 1087.

ture, perswaded them the contrary. who was at that day of high Estimation and Authority in *England*, and so might induce the Realm to do what he liked.

Henry I.  
An. 1100.

By like means got *Henry* his younger Brother the same Crown afterwards, to wit, by fair Promises to the People, and by help principally of *Henry Newborow* Earl of *Warwick*, that dealt with the Nobility for him, and *Maurice* Bishop of *London* with the Clergy, for that *Anselm*, Archbishop of *Canterbury* was in banishment. Besides this also it did greatly help his cause, that his elder Brother *Robert*, (to whom the Crown by right appertained,) was absent again this second time in the War of *Jerusalem*, and so lost thereby his Kingdom, as before: *Henry* having no other Title in the World unto it, but by Election and Admission of the People, which yet he so defended afterwards against his said Brother *Robert*, that came to claim it by the Sword, and God did so prosper him therein, as he took his said elder Brother Prisoner, and so kept him for many Years, until he dyed in Prison most pitifully.

Mathild  
the Em-  
press.

But this King *Henry* dying left a Daughter behind him, named *Mawde* or *Muthilde*, which being married first to the Emperour *Henry* the V. he dyed without issue, and then was she married again the second time to *Geffry Plantagenet* Earl of *Anjou* in *France*, to whom she bare a Son named *Henry*, his Grandfather, caused to be declared for *Heir Apparent* to the Crown in his Days, but yet after his decease, for that *Stephen* Earl of *Bollogne*, born of *Adela* Daughter to *William* the Conquerour, was thought by the State of *England* to be more fit to Govern, and to defend the Land, (for that he was at Mans age,) then was Prince *Henry* a Child of *Mawde* his Mother, he was admitted, and *Henry* put back, and this chiefly at the perswasion of *Henry* Bishop of *Winchester*, Brother to the said *Stephen*, as  
also

King Ste-  
phen en-  
tered  
against  
Succession.

Also by the Solicitation of the *Abbot of Glassebury* and others, who thought belike they might do the same, with good Conscience for the good of the Realm, though the event proved not so well, for that it drew all *England* into Factions and Divisions, for avoiding and ending whereof, the States some Years after in a Parliament at *Wallingford* made an agreement that *Stephen* should be Lawful King, during his Life only, and that *Henry* and his Offspring should succeed him, and that Prince *William* King *Stephen's* Son should be deprived of his Succession to the Crown, and made only Earl of *Norfolk*, thus did the State dispose of the Crown at that time, which was in the Year of Christ 1153.

*An Act of  
Parliament about  
Succession.  
1153.*

To this *Henry* succeeded by Order his Eldest son then living named *Richard*, and surnamed *Cordelyon*, for his Valor, but after him again the Succession was broken. For that *John* King *Henry's* youngest Son, to wit, younger Brother to *Richard*, whom his Father the King had left so unprovided, as in jest he was called, by the *French*, *Jean sans terre*, as if you would say *Sr John Lacke-Land*: This man, I say, was, after the death of his Brother, Admitted and Crowned by the States of *England*, and *Arthur* Duke of *Britain*, Son and Heir to *Geffery* (that was elder brother to *John*,) was against the ordinary course of Succession excluded. And albeit this *Arthur* did seek to remedy the matter by War, yet it seemed that God did more defend this Election of the Commonwealth than the right Title of *Arthur* by Succession, for that *Arthur* was overcome, and taken by King *John*, though he had the King of *France* on his side, and he dyed pitifully in prison, or rather, as most Authors do hold, he was put to death by King *John* his Uncles own hands in the Castle of *Roan*, thereby to make his Title of Succession more clear, which yet could not be, for that as well *Stow* in his Chronicle, as also *Matthew* of *West-*  
*minster*,

*King Ri-  
chard and  
King John.  
1190.*

*Prince Ar-  
thur put  
back.*

*Two Sisters  
of Prince  
Arthur  
Duke of  
Britain.*

*minster* and others before him do write, that *Geffrey* besides this Son, left two Daughters also by the Lady *Constance* his Wife, Countess and Heir of *Britaine*, which by the Law of *England* should have succeeded before *John*; but of this small account seemed to be made at that day.

*King John  
and his Son  
rejected.  
1216.*

Some years after, when the Barons and States of *England* misliked utterly the Government and proceeding of this King *John*, they rejected him again, and chose *Lmys* the Prince of *France* to be their King, and did swear Fealty to him in *London*, as before hath been said; and they deprived also the young Prince *Henry* his Son, that was at that time but eight years old; but upon the death of his Father King *John*, that shortly after ensued, they recalled again that sentence, and admitted this *Henry* to the Crown by the name of King *Henry* the III. and disannulled the Oath and Allegiance made unto *Lmys* Prince of *France*; and so King *Henry* Reigned for the space of 53. years afterwards, the longest Reign (as I think) that any before or after him hath had in *England*.

*The Titles of  
York and  
Lancaster.*

Moreover you may know, that from this King *Henry* the third, do take their first beginning the two branches of *York* and *Lancaster*, which after fell to so great contention about the Crown: Into which if we would enter, we should see plainly, as before hath been noted, that the best of all their titles after the deposition of King *Richard* the second, depended on this authority of the Commonwealth, for that as the People were affected, and the greater part prevailed, so were their titles either allowed, confirmed, altered, or disannulled by Parliaments; and yet may not we well affirm, but that either part when they were in possession and confirmed therein by these Parliaments, were lawful Kings, and that God concurred with them, as with true Princes for Government of their People; For if we should deny

ny this point, as before hath been noted, great inconveniencis would follow, and we should shake the States of most Princes in the World at this day, as by examples which alreay I have alledged in part may appear.

And with this also I mean to conclude, and end this discourse in like manner, affirming, that as on the one side propinquity of Bloud is a great preheminance towards the attaining of any Crowne, so yet doth it not ever bind the Commonwealth to yield thereunto, if weightier Reasons should urge them to the contrary; neither is the Commonwealth bound always to shut her Eyes, and to admit at hazard, or of necessity, every one that is next by Succession of Bloud, as *Belloy* falsely and fondly affirmeth; but rather she is bound to consider well and maturely the Person that is to enter; Whether he be like to perform his duty and charge committed unto him or no; for that otherwise, to admit him that is an enemy or unfit, is but to destroy the Commonwealth and him together. This is my opinion, and this seemeth to me to be conform to all Reason, Law, Religion, Pietie, Wisdom, and Policy, and to the use and custom of all well governed Commonwealths in the World; Neither do I mean hereby to prejudice any Princes pretence, or Succession to any Crown or Dignity in the World, but rather do hold that he ought to enjoy his Preheminance; but yet so, that he be not prejudiciall thereby to the whole body, which is ever to be respected more then any one Person, whatsoever *Belloy* or other of his opinion do say to the contrary.

Thus said the Civillian, and being called upon and drawn to a new matter by the question that ensueth, he made his last discourse and conclusion of the whole matter, in manner following:

*The conclusion of this Chapter.*

CHAP.

## CHAP. IX.

*What are the principal points which a Commonwealth ought to respect in admitting or excluding of any Prince, that pretendeth to succeed: wherein it is handled largely; also of the diversity of Religion, and other such Cases.*

*Causes of  
Excluding  
Princes.*

**A**FTER the Civilian had alledged all these examples of Succession, altered or rejected by publick Authority of Commonwealths, and of the allowance and approbation and good success, which for the most part God seems to have given unto the same, one of the Company brake forth, and said, *That this point appeared so evident unto him, as no doubt in the World could be made thereof; I mean, Whether this thing in it self be lawful or no? To alter sometimes the course of Succession, seeing that all Commonwealths of Christendom, had done it so often; only he said, that it remained somewhat doubtful unto him, whether the causes alledged in these mutations, and changes before-mentioned, were always sufficient or no? For that sometimes they seemed to him but weak and slender, as when (for example) the Uncle was preferred before the Nephews; for that he was a Man, and the other Children, which cause and reason hath oftentimes been alledged in the former examples, both of Spain, France, and England; As also when the younger or Bastard Brother is admitted, and the elder and Legitimate Excluded; for that the one is a Warrior, and the other not, and other such like causes are yielded (said he,) in the Exclusions before-rehearsed, which yet seems not sometimes weighty enough for so great an Affair.*

To

To this answered the Civillian, That according to their Law, both Civil and Canon, ( which thing also he affirmed to be founded on great reason, ) it is a matter most certain, that he who is Judge and ought to give the sentence in the thing it self, is also to judge of the cause, *Who must be Judge of the lawful cause of Exclusion.* for thereof is he called Judge; And if he have authority in the one, good reason he should also have power to discern the other, so as, if we grant according to the form and proofs; That the Realm or Commonwealth hath power to admit or put back the Prince or pretender to the Crown; Then must we also confess that the same Commonwealth, hath Authority to judge of the lawfulness of the cause; and considering further that it is in their own affair, and in a matter that hath his whole beginning, continuance and substance from them alone; I mean from the Commonwealth; for that no Man is King or Prince by institution of nature, as before hath been declared, but every King and Kings Son, hath his dignity and prebeminence above other men, but authority only of the Commonwealth: Who can affirm the contrary said the Civillian? But that God doth allow for a just and sufficient cause in this behalf, the only will and judgment of the weal publick it self, supposing always, ( as in reason we may, ) that a whole Realm will never agree by orderly way of judgment ( for of this only I mean, and not of any particular Faction of private men against their Heir Apparent, ) to Exclude or put back the next Heir in Bloud and Succession without a reasonable cause, in their sight and confure. And seeing that they only are to be Judges of this case, ( as now I have said ) we are to presume that what they determine, is just and lawful for the time, and if at one time they should determine one thing, and the contrary at another, ( as they did often in England during the contention between York and Lancaster, and on other like occasions, ) what can a private Man judge otherwise, but that they had different reasons and motions to lead them at different times, and they being

pro:-



properly Lords and Owners of the whole business committed unto them: It is enough for every particular man to subject himself to that which his Commonwealth doth in this behalf, and to obey simply, without any further inquisition, except he should see that open injustice were done therein, or God manifestly offended, and the Realm endangered.

*Open injustice to be resisted.*

Open injustice I call (said he) when not the true Commonwealth, but some Faction of wicked Men should offer to determine this matter, without lawful authority of the Realm committed to them; and I call manifest offence of God, and danger of the Realm, when such a Man is preferred to the Crown, as is evident that he will do what lyeth in him to the prejudice of them both; I mean both of Gods glory and the publick Wealth: as for example, if a Turk or Moor (as before I have said) or some other notorious wicked Man, or Tyrant, should be offered by Succession or otherwise to govern among Christians, in which cases every man (no doubt) is bound to resist what he can, for that the very end and intent for which all Government was first ordained, is herein manifestly impugned.

*What are the chief points to be regarded in a Princes admission.*

Thus the Civilian discoursed, and the whole Company seemed to like very well thereof, for that they said his opinion appeared both prudent and pious; and by this occasion it came also presently in question; *What were the true causes and principal points, which ought to be chiefly regarded, as well by the Commonwealth as by every particular Man, in this great action of furthering or hindering any Prince towards a Crown.* And they said unto the Civilian, that if he would discuss in like manner this point unto them, it would be a very apt and good conclusion to all his former Speeches and Discourses, which having been of the authority, that well publicks have over Princes Titles, this other of the causes and considerations that ought to lead them for use and exercise of the same authority, would fall very fit and necessary for the up-shot of all. Here-

Hereunto the Civilian answered, that he well saw the fitness and importance of the matter, and therefore that he was content to speak a word or two more thereof; Notwithstanding that much had been said already therein, to wit, in all those points which had been disputed about the end of Government, and why it was appointed, which end (said he) seeing it is (as largely hath been proved before) to defend, preserve, and benefit the Commonwealth, *Whence the Reasons of admitting or rejecting a Prince are to be taken* here hence that is, from this consideration, of the Wel-publick, are to be deduced all other considerations of most importance, for discerning a good or evil Prince. For that whosoever is most likely to defend, preserve, and benefit most his Realm and subjects, he is most to be allowed and desired, as most conform to the end for which Government was ordained.

And on the contrary side, he that is least like to do this, deserveth least to be preferred, and here (quoth he,) you see doth enter also that consideration mentioned by you before, which divers Commonwealths had in putting back oftentimes Children and impotent People, though otherwise next in Blood, ) from Succession, and preferring more able Men, though further off by Descent, for that they were more like to defend well their Realm and Subjects, than others were.

But to proceed, (said he,) more distinctly and more perspicuously in this matter, I would have you call to mind one Point among others which I acknowledged before out of *Gerard the French Author*, to wit, that the King of *France* in his Coronation is new apparelled three times in one day, once as a Priest, and then as a Judge, and last as King armed. *Gerard. li. 3. de l'Estat. pag. 242.* Thereby to signify three things committed to his charge, First Religion, then Justice, then Manhood *Three principal Points to be considered.* and Chivalry for the Defence of the Realm.

This Division seemeth to me very good and fit,

M

(quoth

## A Conference touching Succession

(quoth he,) and to comprehend all that a Wel-Publick hath need of, for her happy State and Felicity, both in Soul and Body, and for her end, both *Supernatural* and *Natural*. For by the *First*, which is *Religion*, her Subjects do attain unto their end *Spiritual* and *Supernatural*, which is the Salvation of their *Souls*, and by the *Second* and *Third*, which are *Justice* and *Defence*, they enjoy their *Felicity Temporal*, which is, to live in *Peace* among themselves, and *Safety* from their *Enemies*; for which Cause it seemeth that these are the three Points, which most are to be regarded in every Prince, that cometh to Government, and much more in him that is not yet admitted thereunto, but offereth himself to the Commonwealth for the same purpose.

Why he resolves to treat of Religion principally.

And for that the latter two of these three Points which are *Justice* and *Manhood*, hath been often had in consideration, in the Examples of Changes before mentioned, and the first Point, which is *Religion*, hath rarely or never at all been talked of, for that in former times the Prince and the People were always of one and the same Religion, and scarce ever any question or doubt fell in that behalf, (which yet in our days is the principal difference and chiefest difficulty of all other,) For these Causes, (I say,) shall I accommodate my self to the circumstance of the time, wherein we live, and to the present Case which is in question betwixt us about the Succession of *England*, and leaving aside those other two Considerations of *Justice* and *Chivalry* in a King, which are far less important than the other, (though yet so highly regarded by ancient Commonwealths, as you have heard,) I shall treat principally of *Religion* in this place, as of the first and highest, and most necessary Point of all other to be considered in the Admission of any Prince, for the profit of his Subjects: for that without this he destroyeth all; and with this, albeit he should have defects in the other two

two Points of *Justice* and *Manhood*, yet may it be holpen, or his defect or negligence may be supplied much by others, as after I shall shew more in particular: but if he want Fear of God, or care of Religion, or be perversly perswaded therein, the damage of the Wel-Publick is inestimable.

*First* of all then, for beter understanding of this Point, we are to suppose, that the first, chiefest and highest end that God and Nature appointed to every Commonwealth, was not so much the temporal felicity of the Body, as the *Supernatural* and *Everlasting* of the *Soul*, and this was not only revealed to the *Jews* by Holy Scriptur, but also unto the *Gentils* and *Heathens* by the *Instinct* and *Light* of Nature it self. For by this *Light* of Natural Reason the Learned sort of them came to understand the immortality of the *Soul*, and that her Felicity, Perfection and full Contentment, which they called her *final End* and *Summum Bonum*, could not be in this Life, nor in any thing Created under Heaven, but must needs be in the Life to come, and that by attaining to enjoy some infinite endless and immortal *Object*, which could fully satisfy the appetit of our *Soul*, and this could be no other than GOD, the Maker of all himself. And that consequently all other things of this transitory Life, and of this humane Commonwealth, subject to mans eyes, are ordained to serve and be subordinate and directed to the other *Higher End*, and that all mans actions in this World are first of all, and in the highest degree, to be employed to the recognising, serving and honouring of this great Lord that governeth the whole, as Author and End of all.

To this *Light* I say came the *Heathens*, even by the *Instinct* and Direction of Nature, whereof ensued that there was never yet *Pagan* Philosopher that wrote of framing a good Commonwealth, as

*The chief end of a commonwealth supernatural.*

*Philosophers and Law-makers what end they had of their*

*Socrates, Plato, Plutarch, Cicero*, and others, neither Law-maker among them that left Ordinances for the same purpose, as *Deucalion, Minos, Zaleucus, Lycurgus, Solon, Jon, Numa*, or the like, which besides the temporal end of directing things well for the body, had not especial care also of matters appertaining to the mind, to wit, of nourishing, honouring and rewarding of Vertue; and for restraining and punishing of Vice and Wickedness. whereby is evident that their end and butt was, to make their Citizens Good and Vertuous, which was an higher end, than to have a bare consideration of temporal and bodily Benefits only, as many Governours of our days, (though *Christians* in name,) seem to have, who pretend no higher end in their Government than Bodily Wealth, and a certain temporal King of Peace and Justice among their Subjects, which divers beasts also do reach unto in their Congregations and Commonwealths, as is to be seen among *Emmets and Bees, Cranes, Lions* and other such Creaturs, that by Instinct of Nature are sociable, and do live in company, and consequently also do maintain so much Order and Policy in their Commonwealth, as is needful for their preservation and continuance.

The commonwealth  
of Beasts.

The natural end of  
Mans commonwealth

But Nature taught Man a far higher and more excellent End in his Commonwealth, which was not only to provide for those bodily Benefits that are common also to creatures without Reason, but much more for those of the Mind, and above all for the serving of that *High and Supreme God*, that is the *Beginning and End* of all the rest. For whose Service also they learned by the same Instinct and Institution of Nature, that the chiefest and supremest Honour, that could be done unto him in this life by man was the *Honour of Sacrifice and oblations*, which we see was begun and practised even in those first beginnings of the *Law of nature*, before the *Le-*

Sacrifices  
and Oblations by  
Nature.

vitical Law; and the particular Forms of this same Law were prescribed by *Moses*. For so we read in *Genesis* of *Noach*, that he made an *Altar*, and offered *Sacrifices* to *God*, upon the same, of all the Beasts and Birds that he had in the *Ark*, *odoratusq; est Dominus odorem suavitatis*, And *God* received the smell of these *Sacrifices*; as a sweet smell. Which is to say, that *God* was highly pleased therewith, and the like we read of *Job* that was Gentle, and lived before *Moses*, *Sanctificabat filios consurgensque diluculo offerebat holocausta per dies singulos*. He did sanctify his children, and rising early in the Morning did offer for them holocausts or burnt sacrifices every day. Gen. 8. Job 1.

This men used in those days, and this they were taught by Law of Nature, I mean both to honour *God* above all things, and to honour him by this particular way of *Sacrifices*; which is proved also evidently by that which at this day is found and seen in the *Indians*, where never any notice of *Moses's* Law came, and yet no Nation hath ever been found among them, that acknowledgeth not some kind of *God*, and offereth not some kind of *Sacrifice* unto him.

And albeit in the particular means of honouring this *God*, as also in distinguishing between false gods & the true *God*, these people of the *Indians* have fallen into most gross and infinit errors, as also the *Gentiles* of *Europe*, *Asia* and *Africa* did, by the craft and subtilty of the *Devil*, which abusing their ignorance, did thrust himself into the place of *God*, and derived and drew those *Sacrifices* and supreme honours unto himself, which were due to *God* alone; yet is it evident hereby, (and this is sufficient for our Purpose,) that by *God* and *Nature*, the Highest and Chiefest End of every Commonwealth, is *Cultus Dei*, the Service of *God*, and Religion, and consequently that the principal Care and Charge of a Prince and Magistrate even by Nature

*The chief end of a commonwealth and Magistrates Religion.*

Genebrard

l. 1. Chron.

nol. de I.

etate. Ge-

nes. 25. &amp;

29. Deut.

21.

2 Paral.

21.

Regard of

Religion

among

Gentiles.

Cicero li.

1 quaest.

Tusc. &amp;

de natura

Deorum.

lib. 1.

Plutarch

adversus

Colotem.

Aristo. l. 7.

Politi. c. 8.

1.

The absurd

Atheism

of our time

in Poli-

ticks.

1.

ture it self, is, to look thereunto, whereof all Antiquity both among *Jews* and *Gentiles* were wont to have so great regard, as for many years and ages their Kings and chief Magistrates were also Priests: and divers Learned men do hold, that the Privilege and Preheminence of *Primogenitura*, or the *first born Children*, so much esteemed in the Law of Nature (as before we have seen,) consisted principally in this, that the Eldest Sons were Priests, and had the Charge and Dignity of this greatest Action of all other upon Earth, which our temporal Magistrates so little regard now.

And this respect and reverence towards *Religion* was so greatly planted in the Breasts of all Nations her self, as *Cicero* pronounced this general Sentence in his time. *Nulla est gens tam fera, nulla tam immanis, cujus mentem non imbuerit Deorum colendorum religio.* There is no Nation so fierce or barbarous, whose minds are not enained with some Religion of worshipping Gods.

And *Plutarch* writing against a certain Atheist of his time saith thus: *If you travel far Countreys, you may chance to find some Citys without learning, without Kings, without riches, without money; but a City without Temples, and without Gods and Sacrifices, no man yet hath ever seen.* And finally *Aristotle* in his *Politicks* having numbred divers things necessary to a Commonwealth, addeth these words: *Quintum & primum, circa rem Divinam cultus, quod sacerdotium sacrificiumque vocant.* In the Fifth place, (which indeed ought to be the First of all other,) is necessary to a Commonwealth, the honour and service due unto God, which men commonly do comprehend by the words of Priesthood and Sacrifice.

All this I have alledged to confute even by the Principles of Nature her self the absurd opinions of divers Atheists of our time, that will seem to be great *Politicks*, who affirm that Religion ought not

to

to be so greatly respected in a Prince, or by a Prince, as though it were his chiefest Care or the matter of most importance in his *Government*, which you see how false and impious it is even among the *Gentiles* themselves, but much more among *Christians* who have so much the greater obligation to take to heart this matter of *Religion*, by how much greater *Light* and *Knowledge* they have of *God*: and therefore we see that in all the Princes Oaths which before you have heard recited to be made and taken by them at their *Admission* and *Coronation*, the first and principal Point of all other is about *Religion* and maintainance thereof, and according to this Oath also of Supreme Princes, not only to defend and maintain Religion by themselves in all their states, but also by their Lieutenants and under-Governours, we have in our *Civil Law* a very solemn form of an Oath, which *Justinian* the Emperour, above 1050. years ago, was wont to give to all his Governours of Countreys, Citys, and other places, before they could be admitted to their *Charges*, and for that it is very effectual, and that you may see thereby what care there was of this matter at that time, and what manner of Solemn and Religious *Protestations*, as also *Imprecations* they did use therein, it shall not be amiss perhaps to repeat the same in his own words, which are these following.

See before  
the Oaths  
made by  
Princes at  
their Coronations in  
the IV.  
Chapter.

The Title in the *Civil Law* is: *Juramentum quod prestatum iis qui administrationes accipiunt*, The Oath which is given to them that receive Governments. And then the Oath beginneth thus: *Juro per Deum omnipotentem & Filium ejus unigenitum Dominum nostrum Iesum Christum & Spiritum Sanctum, & per sanctam gloriosam Dei genitricem & semper virginem Mariam, & per quatuor Evangelia, quæ in manibus meis teneo, & per sanctos archangelos Michaellem & Gabrielem, puram conscientiam germa-*

The Oath  
to Governours for  
defence of  
Religion.  
Collat. 2.  
Novella  
constit.  
Justin. 3.  
tit. 3.



Note the  
form of  
this Oath  
written  
An. Dom.  
560.

*numque servitium me servaturum sacratissimis nostris Dominis Justiniano & Theodosia conjugi ejus, occasione tradita mihi ab eorum pietate administrationis. Et quod communicator sum sanctissimæ Dei Catholice & Apostolica Ecclesia, & nullo modo vel tempore adversabor ei, nec alium quemcunque permittam quantum possibilitatem habeam, & si vero non hæc omnia servavero, recipiam omnia incommoda hic & in futuro seculo in terribili judicio magni Domini Dei & Salvatoris nostri Jesu Christi, & habebo partem cum Juda & cum lepra Gehazi, & cum tremore Cain, insuper & pœnis quæ lege eorum pietatis continenter ero subjectus. Which in English is thus: I do swear by Almighty God, and by his Holy Son our Lord Jesus Christ, and by the Holy Ghost, and by the holy glorious Mother of God, the perpetual Virgin Mary, and by the four Holy Gospels which I do hold in my hand, and by the holy Archangels S. Michel and S. Gabriel, that I will keep a pure Conscience, and perform true Service unto the Sacred Persons of our Lords and Princes Justinian and Theodosia his Wife, in all occasions of his Government, by their benignity committed unto me. Moreover I do swear that I am communicant and member of the most Holy Catholick and Apostolick Church of God, and that I shall never at any time hereafter be contrary to the same, nor suffer any other to be, as much as shall lie in my possibility to let. And if I should break this Oath, or not observe any point thereof, I am content to receive any punishment both in this World, as also in the World to come, in that last and most terrible Judgment of our great Lord and Saviour Jesus Christ, and to have my part with Judas, as also with the leprosy of Gehazi, and with the fear and trembling of damned Cain: And besides all this, I shall be subject to all punishments that are ordained in the Laws of their Majesties, concerning this Affair.*

This Oath did all the Governours of Christian  
Coun-

Countries take in old time, when *Christian* Emperours did flourish; and it hath remained for a Law and President ever since to all Posterity.

And if we join this with the other Oaths before set down in the V. *Chapter*, which Emperours and Kings did make themselves, (unto their Ecclesiastical Prelates, at their first Admission,) about this Point: we should see nothing was so much respected in Admission of a Prince, or Governour, (nor ought to be,) as *Religion*; for that, (as I have said before,) this is the chiefest, greatest and highest end of every Commonwealth, intended both by God and Nature, to assist their Subjects to the attaining of their Supernatural end, by honouring and serving God in this life, and by living virtuously, for that otherwise God should draw no other fruit or commodity out of humane Commonwealths, than of an Assembly of Brutish Creatures, maintained only and governed for to eat, drink and live in peace, as before hath been declared.

But the End of man being far higher than this: it followeth that whatsoever Prince or Magistrate doth not attend with care to assist and help his subjects to this end, omitteth the first and principal part of his Charge, and committeth high Treason against his Lord and Master, in whose place he is, and consequently is not fit for that Charge and Dignity, though he should perform the other two parts never so well of *temporal Justice* and *Valour* in his Person, which two other Points do appertain principally to the humane felicity and baser end of Mans Wel-publick, and much more of a Christian:

Hereof it ensueth also that nothing in the world can so justly exclude an Heir apparent from his Succession, as want of Religion, nor any cause whatsoever justify and clear the Conscience of the Commonwealth, or of particular men, that in this Case should resist his Entrance, as if they judge him faulty

*How great a defect is want of Religion in a Magistrate.*

*Lack of Religion the chiefest cause to exclude a Pretender*

faulty in this point, which is the Head of all the rest, and for which all the rest do serve.

You do remember that before I compared an *Heir apparent* unto a *Sponse betrothed* only, and not yet married to the Commonwealth. Which Espoual or Betrothing, according to all Law both Divine and humane, may be broken and made void much easier and upon far less causes than an actual perfect Marrying may, of which our Saviour himself said, *Quos Deus conjunxit homo non separet.* i.e. *Whom God hath joyned let no man separate*; and yet *S. Paul* to the *Corinthians* determineth plainly, that if two *Gentiles* married together in their *Gentility*, (which none denieth to be true Marriage, for so much as concerneth the *Civil Contract*,) and afterwards the one of them being made a *Christian*, the other will not live with him or her; or if he do, yet not without blaspheming of God, and tempting him to sin: in this Case, (I say,) the Apostle teacheth, and out of him the Canon Law setteth it down for a Decree, that this is sufficient to break and dissolve utterly this Heathen Marriage, although consummate between these two Parties, and that the *Christian* may marry again; and this only for want of Religion in the other party, which being so in actual Marriage already made and consummate, how much more may it serve to undo a bare Betrothing, which is the case of a Pretender only to a Crown, as before hath been shewed.

Whether  
difference  
in Religion  
be infidelity.

But you may say perhaps, that *S. Paul* speaketh of an *Infidel* or *Heathen*, that denieth Christ plainly, and with whom the other Party cannot live, without danger of sin and losing his faith, which is not the case of a *Christian Prince*, though he be somewhat different from me in Religion, to which is answered, that supposing there is but one onely Religion, that can be true among Christians, as both Reason and *Athanasius* his *Creed* doth plainly teach

us :

us: and moreover seeing that to me there can be no other Faith or Religion available for my Salvation, than only that which I my self do believe, for that my own Conscience must testify for me, or against me: certain it is, that unto me and my Conscience he which in any point believeth otherwise than I do, and standeth wilfully in the same, is an *Infidel*, for that he believeth not that which in my Faith and Conscience is the onely and sole Truth, whereby he must be saved. And if our Saviour Christ himself in his Gospel doth will certain men to be held for *Heathens*, not so much for difference in Faith and Religion, as for lack of Humility and Obedience to the Church: how much more may I hold him so, that in my opinion is an enemy to the Truth, and consequently so long as I have this opinion of him, albeit his Religion were never so true, yet so long, (I say,) as I have this contrary perswasion of him, I shall do against my Conscience, and sin damnably in the sight of God, to prefer him to a Charge, where he may draw many others to his own errour and perdition, wherein I do perswade my self that he remaineth.

This Doctrine, (which is common among all *Divines*,) is founded upon that discourse of *S. Paul* to the *Romans* and *Corinthians* against such *Christians* as being invited to the banquets and tables of *Gentiles*, and finding Meats offered to Idoles, (which themselves do judge to be unlawful to eat,) did yet eat the same, both to the scandal of other infirme men there present, as also against their own Judgment and Conscience, which the Apostle saith was a *damnable sin*; and this not for that the thing in it self was evil or unlawful, as he sheweth, but for that they did judge it so and yet did the contrary. *Qui discernit, si manducaverit, damnatus est*, saith the Apostle, *He that discerneth, or maketh a difference between this Meat and others, as judging this*

Akt. 23.  
1 Cor. 8.  
2 Cor. 5.  
1 Pet. 3.

Matth. 18.

How he  
that doth  
against his  
own con-  
science.  
Rom. 14.  
1 Cor. 14.  
& 10.

this to be unlawful, and yet eateth it, he is damned; that is to say, he sinneth damnably or mortally. Whereof the same Apostle yieldeth presently this reason, — *Quia non ex fide*, i. e. for that he eateth not according to his faith or belief, but rather contrary; for that he believing it to be evil and unlawful, doth notwithstanding eat the same. And hereupon *S. Paul* inferreth this universal Proposition, *Omne autem, quod non est ex fide, peccatum est*, i. e. *All that is not of faith*, or according to a mans own belief, is sin to him, for that it is against his own Conscience, Judgment and Belief, believing one thing, and doing another. And seeing our own Conscience must be our Witness at the Last Day, to condemn or deliver us, as before I have said, he must needs sin grievously, (or damnably, as the Apostle here saith,) who committeth any thing against his own Conscience, though otherwise the thing were not only indifferent, but very good also in it self, for that of the doers part there wanteth no malice or will to sin, seeing he doth that which he apprehendeth to be naught, though in it self it be not.

See upon this place of *S. Paul*, *S. Chrysost.* hom. 36. in hanc epistolam *Orig.* l. 10. *Theodor.* in hunc locum.

How dangerous to favour a Pretender of a contrary reli-

And now to apply all this to our purpose for *England*, and for the matter we have in hand, I affirm and hold, that for any man to give his help, consent or assistance towards the making of a King, whom he judgeth or believeth to be faulty in Religion, and consequently would advance either no Religion, or the wrong, if he were in Authority, is a most grievous and damnable sin to him that doth it, of what side soever the Truth be, or how good or bad soever the Party be, that is preferred. For if *S. Paul* have pronounced so absolutely and plainly in the place before alledged, that even in eating of a piece of Meat, it is damnable for a man to discern and yet eat: what may we think will it be in so great and important a matter

matter, as the making of a *King* is, for a man to dissemble or do against his own Conscience and Judgment, that is to say, to discern and judge that he is an Infidel, or Heretick, or wicked man, or Atheist, or erroneous in Religion: and yet to further his Advancement and Government over *Christians*, where he shall be able to pervert infinite, and to pull down all Honour and Service due unto God, and whether he do this evil afterwards or no; yet shall I be guilty of all this, for that knowing and perswading my self that he is like, or in disposition to do it, yet for fear, flattery, carelessness, kindred, emulation against others, vain pretence of Title, lack of Zeal to God's Cause, or for other the like passions or temporal respects, I do favour further or sooth him in his pretences, or do not resist him, when it lieth in my power, by all which I do justly make my self guilty of all the evils, hurts, miseries and calamities both temporal and spiritual, which afterwards by his evil Government do or may ensue, for that I knowing him to be such a one, did notwithstanding assist his Promotion.

And thus much now for matter of Conscience, but if we consider Reason of State also and worldly Policy, it cannot be but great folly and overfight for a man of what Religion soever he be, to promote to a Kingdom in which himself must live, one of a contrary Religion to himself; for let the Bargains and Agreements be what they will, and fair promises and vain hopes never so great, yet seeing the Prince once made and settled, must needs proceed according to the Principles of his own Religion, it followeth also that he must come quickly to break with the other Party, though before he loved him never so well, (which yet perhaps is very hard, if not impossible, for two of different Religions to love sincerely,) but if it were so, yet so many jealousies, suspicions, accusations,

*Against  
Wisdom  
and Policy  
to prefer a  
Prince of  
a contrary  
Religion.*

calum-

calumniation and other averſions muſt needs light upon the Party that is of different Religion from the State and Prince, under whom he liveth, as not only he cannot be capable of ſuch Preferments, Honours, Charges, Governments and the like, which men may deſerve and deſire in their Commonwealths, but alſo he ſhall be in continual danger, and ſubject to a thouſand moleſtations and injuries, which are incident to the condition and ſtate of him, that is not currant with the courſe of his Prince and Realm in matters of Religion, and ſo before he be aware, he becometh to be accounted an enemy or backward man: which to remedy, he muſt either diſſemble deeply, and againſt his own Conſcience make ſhew to favour and ſet forward that which in his heart he doth deteſt, (which is the greateſt Calamity and Miſery of all other, though yet many times not ſufficient to deliver him from Suspicion,) or elſe to avoid this everlaſting perdition, he muſt break withal the temporal Commodities of this Life, and leave the Benefits which his Countrey and Realm might yield him, and this is the ordinary end of all ſuch men, how ſoft and ſweet ſoever the beginnings be.

*The con-  
cluſion of  
the whole  
Speech.*

And therefore to conclude at length all this tedious Speech, wherewith I fear me I have wearied you againſt my will,) ſeeing there be ſo great Inconveniences and Dangers both Temporal and Eternal, and in reſpect both of God and man, Body and Soul, as hath been declared, to advance a Prince of contrary Religion to the Crown: and conſidering that in England there is ſo great diverſity of Religions, as the World knoweth, between theſe Parties and Factions, that have to pretend or admit the next Prince after her Maſteſty that now is: calling to mind alſo the great Liberty, Scope and Authority, which the Commonwealth hath in admitting or rejecting the *Pretenders* upon Conſi-  
de;

derations be their Right of *Succession* never so plain or clear, as before hath been shewed: and laying finally before our eyes the manifold and different Acts of *Christian* Realms, before mentioned in this Affair; all these things, (I say,) being laid together, you may seewhether I had reason at the beginning to think and affirm that it was a doubtful Case who shouldbe our next Prince after the Queens Majesty that now sitteth at the Stern: and if beyond all this that I have said, our Friend the common Lawyer, here present, shall prove also, (as at the first entrance he promised,) that among such as do or may pretend of the *Blood Royal* at this day their *true Succession* and *next propinquity by Birth* is also uncertain and disputable, then is the matter made thereby much more ambiguous, and God only knoweth who shall prevail, and to him only is the matter to be commended, as far as I see, and with this I make an end, thanking you most heartily for your patience, and craving pardon for that I have been too long, or for any other fault that in this Speech I have committed.

*The End of the First PART.*





T H E  
P R E F A C E  
O F T H E  
Second Part.

**T**He Civilian had no sooner ended his Discourse, but all the Company being most desirous to hear what the Temporal Lawyer had prepared to say, about the several Titles of the present Pretenders to the Crown of England, began with one accord to request him earnestly for the performance of his promised Speech in that behalf, who shewing himself neither unwilling nor unready for the same, told them, that he was content to yield to their desires, but yet with one condition, which was, that he would take in hand this matter with the same asseveration and protestation, with the Civilian in some occasions had used before him, and it liked him well, to wit, that having to speak in this Discourse of many Princes, Peers and Nobles of the Royal Blood of England (to all which by Law of Nature, Equity and Reason he said that he bare reverent honour and respect) and to discuss their several Pretentions, Rights, Interests and Titles to the Crown, he said, that his meaning was, not to offend, hurt, or prejudicate none: nor to determin any thing

*A protestation of the Lawyer.*

## The P R E F A C E

resolutely in favour or hinderance of any of their Pretences or Claims, of what Side, Family, Faction, Religion, or other Party soever he or she were, but rather plainly and indifferently without hatred or partial affection to or against any, to lay down sincerely what he had heard or read, or of himself conceived, that might justly be alledged in favour or disfavour of every Titled.

*Why they  
will not de-  
termin of  
any one  
Title.*

And so much the rather he said that he would do this, for that in very truth the Civilian's speech had put him in a great indifferency concerning matter of Succession, and had taken out of his Head many scrupulosities about nice Points of Nearness in Blood, by the many Examples and Reasons that he had alledged of the Proceeding of Christian Commonwealths in this Affair, preferring oftentimes him that was further off in Blood, upon other Considerations of more weight and importance, which Point seemed to him to have been so evidently proved, as no man can deny it, and much less condemn the same, without the Inconveniences before alledged and mentioned, of calling all in doubt that now is established in the World, considering that not only foreign Countries, but England also it self so often hath used the same putting back the next in Blood.

Wherefore he said, that for as much as Commonwealths, and the consent, will and desire of each Realm was proved to have High and  
So

## OF the II. PART.

*Soveraign Authority in this Affair, and that as on the one side Nearness of Blood was to be respected, so on the other there wanted not sundry considerations and circumstances of as great moment as this, or rather greater, for that oftentimes these considerations had been preferred before Nearness of Blood, as hath been declared. I do not know (quoth he) who of the Pretenders may next obtain the Garland, whatsoever his Right by Propinquity be, so he have someright (as I think all have that do pretend) and therefore I mean not to stand upon the justification or impugning of any one Title, but rather to leave all to God and to them, that must one day try and judge the same in England, to whom I suppose this Speech of mine cannot be but grateful and commodious, for the better understanding and discerning of those matters, whereof of necessity, ere it be long, they must be Judges and Umpires, when God shall appoint, and consequently for them to be ignorant or unacquainted with the same, (as men say that commonly most in England at this day cannot be but very inconvenient and dangerous.*

*In this manner he spake, and after this he began his discourse, setting down first of all the sundry Books and Treatises, which he understood had been made or written hitherto of this Affair.*



## CHAP. I.

*Of the divers Books and Treatises that have been written heretofore about the Titles of such as pretend to the Crown of England, and what they do contain in favour or disfavour of sundry Pretenders.*

**A**ccording to the Variety of mens Judgments and Affections of men in this behalf, so said the Lawyer, that divers had written diversly in sundry Books and Treatises that had come to light, and went among men from hand to hand, though all were not printed. And First of all he said, that not long after her Majesties coming to the Crown, there appeared a certain Book written in the favour of the house of Suffolk, and especially of the Children of the Earl of Hartford by the Lady Catharin Gray, which Book offended highly the Queen and Nobles of England, and was afterwards found to be written by one Hales surnamed the Club foot, who was Clerk of the Hamper, and Sir Nicolas Bacon, then Lord Keeper, was presumed also to have had a principal part in the same, for which he was like to have lost his Office, if Sir Antony Brown, that had been Chief Judge of the Common Pleas in Queen Maries time would have accepted thereof, when her Majesty offered the same unto him, and my Lord of Leicester earnestly exhorted him to take it, but he refused it for that he was of a different Religion from the State, and so Sir Nicolas Bacon remained with the same at the great in-

*The Book of Hales and Sir Nicholas Bacon.*

## A Conference touching Succession

stance of Sir *William Cecill* now *Lord Treasurer*, who, though he were to be privy also to the said Book, yet was the matter so wisely laid upon *Hales* and *Bacon*, and Sir *William* was kept free, thereby to have the more Authority and Grace to procure the others pardon, as he did.

The butt of  
*Hales his*  
*Book.*

The bent and butt of this Book, was, (as I have said) to prefer the Title of the Lady *Catharine Gray* Daughter of the Lady *Frances* Dutcheſs of *Suffolk*, which *Frances* was Daughter to *Mary* the younger Daughter to King *Henry VII.* before the Title of the Queen of *Scots* then living, and of her Son, which were descended of Lady *Margaret* eldest Daughter of the said King *Henry*. And the reasons which this Book did alledge for the same were principally two: The *First*, that the *Laws of England* did not admit any stranger or alien to inherit in *England*, to wit, any such as were born out of the Allegiance of our Realm, (for so are the words of the *Law*;) and for that the Queen of *Scots* and her Son are known to be so born, therefore they could not succeed, and consequently that the house of *Suffolk* descended of the second Daughter, must enter in their place.

First Reason.

Second Reason.

The second Reason is, for that there is given Authority to King *Henry VIII.* by two several Acts of *Parliament* in the 28. and 36. Year of his Reign to dispose of the *Succession* by his last Will and Testament, as he should think best, among those of his Kindred that did pretend after his Children, and that the said King according to his Commission did ordain, that, if his own Children did dye without issue, then the Offspring of his younger Sister *Mary*, that were born in *England*, should be preferred before the Issue of the elder that was *Margaret* married into *Scotland*, and this was the effect of this first Book.

Against this Book were written two other soon after

after, the First by one *Morgan a Divine*, (if I remember well,) sometimes Fellow of *Oriel College* in *Oxford*, a man of good account for Learning, among those that knew him, and he was thought to have written the said Book by the advice and assistance of the foresaid Judge *Brown*, which thing is made the more credible by the many Authorities of our Common Law, which therein are alledged, and the parts of this Book, (if I forget not,) were three, or rather they were three Books of one Treatise, the first whereof did take upon it to clear the said Queen of *Scots* for the Murther of the Lord *Darby* her Husband, which by many was laid against her. And the second did handle her Title to the Crown of *England*: and the third did answer the Book of *John Knox* the *Scot*, entituled *Against the Monstrous Government of Women*. Of all which three Points, for that the second, that concerneth the Title, is that, which properly appertaineth to our purpose, and for that the same is handled again and more largely in the second Book set out not long after by *John Lesley* Lord Bishop of *Ross* in *Scotland*, who at that time was Embassadour for the said Queen of *Scots* in *England*, and handled the same matter more abundantly which *M. Morgan* had done before him, I shall say no more of this Book of *M. Morgan*, but shall pass over to that of the Bishop, which in this Point of Succession containeth also whatsoever the other hath, so as by declaring the Contents of the one we shall come to see what is the other.

The Intent then of this Book of the Bishop of *Ross*, is, to refute the other book of *Hales* and *Bacon*, and that especially in the two Points before mentioned, which they alledged for their Principles, to wit, about *Foreign Birth*, and King *Henry's Testament*: And against the first of these two Points the Bishop alledgeth many Proofs that there

The Book of  
M. Morgan  
and Judge  
Brown.

Answer to  
the 1. Reason.  
is for.



## A Conference touching Succession

is no such Maxim in the common *Laws* of *England* to disinherit a Prince, born out of the Land, from his or her Right of *Succession*, that they have by *Blood*. And this *first*, for that the Statute, made for *barring of Aliens to inherit in England*, (which was in the 25. Year of the Reign of King *Edward III.*) is only to be understood of particular mens inheritance, and no ways to be extended to the *Succession of the Crown*, as by comparison of many other like Cases is declared: And *secondly*, for that there is expresse exception in the same Statute of the Kings Children and Off-spring: And *thirdly*, for that the practice hath always been contrary both before and after the *Conquest*, to wit, that divers Princes born out of the Realm have succeeded.

To the II.  
Reason.

The other Principle also concerning King *Henry's* Testament, the Bishop impugneth *first* by divers Reasons and Incongruities, whereby it may be presumed that King *Henry* never made any such Testament, and if he did, yet could it not hold in Law. And *secondly* also by Witness of the Lord *Paget* that was of the *Privy Council* in those days, and of Sir *Edward Montague* Lord Chief Justice; and of one *William Clark* that set the Kings Stamp to the Writing; all which avowed before the Council and Parliament in Queen *Maries* time, that the said Testament was signed after the King was past sense and memory.

And finally the said Bishop concludeth that the Line of *Scotland* is the next every way, both in respect of the House of *Lancaster*, and also of *York*, for that they are next Heirs to King *Henry VIII.* who by his Father was Heir to the House of *York*.

Higgin-  
ton's book.

But after these three Books, was written a fourth, by one *Robert Higginson*, Secretary in time past to the *Earl of Northumberland*, a man well read in Stories, and especially of our Countrey, who is said to be dead some years past in *Paris*.

This

This man impugneth all the three former Books in divers principal Points, and draweth the *Crown* from both their *Pretenders*, I mean as well from the House of *Scotland*, as from that of *Suffolk*, and first against the Book of *Hales* and Sir *Nicholas Bacon*, written (as hath been said) in favour of the House of *Suffolk*, *Highbinton* holdeth with the Bishop and *Morgan* that these two *Principles* laid by the other, of *Foreign Birth*, and of King *Henry's* Testament against the *Scottish* Line, are of no Validity, as neither their reasons for legitimating of the Earl of *Hartfords* Children, which afterwards shall be handled.

And secondly, he is against both *Morgan* and the Bishop of *Ross* also in divers important Points, and in the very Principal of all, for that this man, (I mean *Highbinton*,) maketh the King of *Spain* to be the next and most rightful Pretender by the House of *Lancaster*: for proof whereof he holdeth first that King *Henry VII.* had no Title indeed to the *Crown* by *Lancaster*, but only by the House of *York*, that is to say, by his Marriage of Queen *Elizabeth* elder Daughter to King *Edward IV.* For that albeit himself were descended by his Mother from *John of Gaunt* Duke of *Lancaster*, yet this was but by his Third Wife *Catharin Swinford*, and that the true Heirs of *Blanch* his first Wife Dutcheß and Heir of *Lancaster*, (to whom, saith he, appertained only the Succession after the death of King *Henry the VI.* and his Son, with whom ended the Line Male of that House.) remained only in *Portugal* by the Marriage of Lady *Philip*, Daughter of the foresaid *Blanch*, to King *John* the I. of *Portugal*, and that for as much as King *Philip* of *Spain*, saith this man, hath now succeeded to all the Rights of the Kings of *Portugal*, to him appertaineth also the only Right of Succession of the House of *Lancaster*, and that all the other Descendants of King  
Hen-

## A Conference touching Succession

*Henry VII.* are to pretend only by the Title of *York*, I mean as well the Line of *Scotland* as also of *Sussex* and *Huntington*, for that in the House of *Lancaster* King *Philip* is evidently before them all.

Thus holdeth *Highbington*, alledging divers Stories, Arguments and Probabilities for the same, and then adjoineth two other Propositions, which do import most of all, to wit, that the Title of the House of *Lancaster* was far better than that of *York*, not for that *Edmund Crookback* first Founder of the House of *Lancaster*, who was Son to King *Henry* the III. and Brother to King *Edward* the I. was eldest son to the said *Edward* & injuriously put back for his deformity in Body, as both the said Bishop of *Ross* and *George Lilly* do falsely hold, and this man refuteth by many good Arguments, but for that *John* of *Gaunt* Duke of *Lancaster* being the eldest Son that King *Edward* the III. had alive when he dyed, should in Right have succeeded in the *Crown*, as this man holdeth, and should have been preferred before *Richard* the II. that was the black Princes Son, who was a degree further off from King *Edward* the III. his Grandfather, than was *John* of *Gaunt*, to whom King *Edward* was Father: and by this occasion this man cometh to discuss at large the opinions of the *Lawyers*, whether the Uncle or the Nephew should be preferred in the Succession of a *Crown*, to wit, whether the younger Brother or the elder Brothers son, if his Father be dead without being seased of the same, (which is a Point that in the *Civil Law* hath great Disputation and many great Authors on each side, as this man sheweth,) and the matter also wanteth not examples on both parts in the Succession of divers *English Kings*, as our Friend the *Civil Lawyer* did signify also in his discourse, and we may chance to have occasion to handle the same again, and more largely hereafter.

*George Lilly* in fine  
Epit. chron.  
nic. Anglic.

These

These Points toucheth *Highbury*, though divers other he leave untouched, which are of much importance for the resolution, as whether after the Line extinguished of King *Henry* the IV. which was the eldest son of *John* of *Gaunt*, there should have entred the Line of Lady *Philippa* the eldest Daughter lawfully begotten of *Blanch* first Wife of *John* of *Gaunt*, or else the race of *John* Earl of *Somerset* younger son by his third Wife, which then was base-born, but legitimated by *Parliament*, for of *Philip* do come the Kings of *Portugal*, and of *John* came King *Henry* the VII. And again these Points had been to be disputed as well touching the *Succession* to the Dukedom of *Lancaster* alone, as also to the Crown jointly, all which Articles shall severally afterwards be handled in their places. And thus much of this Book.

Sundry important Points.

More than these four Books I have not seen written of this *Affair*, though I have heard of one made in *Flanders* in the behalf of the Duke of *Parma*, that is now, who by his Mother descendeth of the same Line of *Portugal*, that the King of *Spain* doth, and as this Book pretendeth, (if we respect the ordinary course of *English* Laws in particular mens Inheritances) he is to be preferred before the said King, or any other of the House of *Portugal*: for that his Mother descended of the younger Son, and the King of the elder Daughter, of the King of *Portugal*: and albeit according to the Law of *Portugal* the King Was adjudged *Next Heir* to that *Crown*, yet say they, by our Laws of *England* he cannot be, which after must be examined.

Divers other Notes and Pamphlets.

Thus saith that Book, and he alledgeth many Reasons for the same, as it hath been told me, (for as I said, I never came to have a view of the whole Book,) but divers of his Arguments I have seen laid together, which I shall afterwards in place  
con-

## A Conference touching Succession,

convenient alledge unto you, with the *Answers*, *Censures* and *Replies*, that the contrary Parties do make thereunto.

Sir Richard Shelly.

Francis Peto.

Divers other Papers, Nots and Memories I have seen also, (said he, as well touching the *Succession* of those whom I have named, as of others, for that Sir Richard Shelly, who dyed some years ago in *Venice*, by the name of Lord Prior of *S. Johns* of *England*, had gathered divers Points touching these *Affairs*: and many more than he had Mr. Francis Peto that dyed in *Millain*, and was a very curious and well read man in *Genealogies*, as may appear by sundry Papers that I have seen of his. There want not also divers in *England* who have traveled much in this business, and I have had the perusing of some of their Labours, though I dare not discover their names, lest thereby I should hurt them, which were not convenient. But one great Trouble find I in them all, that every man seeketh to draw the whole Water unto his own Mill. and to make that Title always most clear, whom he most fayoureth, and this with so great probability of *Reason* and *Authority* many times, as it is hard to retain a mans consent from that which is said, until he have read the Reasons of the other Party, and this also is a great Proof of the wonderful ambiguity and doubtfulness which in this most important *Affair* is to be found.

A Treatise in the behalf of the Infanta of Spain.

And by the way also I had almost forgotten to tell you, how that of late I have lighted upon a certain new Discourse and Treatise, made in the behalf of the King of *Spain's* eldest Daughter, whom he had by his Wife *Isabel* the eldest Sister of the last King of *France*, which *Isabel* and her Daughter the *Infanta* of *Spain*, called also *Isabel*, are presumed to be the Lawful Heirs to the State of *Britany*, and to all other States that by that means of *Britany* or otherwise by Women have come to *France*, or have

have or may fall upon a Woman of the House of *France*, as the States of *England* and other States thereunto annexed may, for that they follow not the *Law Salique* of *France*. And so this Treatise proveth that by divers ways and for sundry considerations, this Princess of *Spain* is also of the *Blood Royal* of *England*, and may among others be entituled to that *Crown*, by a particular Title of her own, besides the pretence which her Father the King or her Brother the Prince of *Spain* have for themselves, by the House of *Portugal*: all which Reasons and Considerations I shall alledge afterwards in their place and time, or at least wise the chief and principal of them.

And to the end they may be understood the better, as also the clearness and pretensions of all the rest that have interest in this *Affair*, I shall first of all, for a beginning and foundation to all the rest, that shall or may be spoken hereafter, set down by way of *historical narration*, all the descents of our *English Kings* and Pretenders that be important to this our Purpose, from the Conquest unto our time, which being compared with the Tree it self of *Genealogies* that shall be added in the end of this Conference, will make the matter more plain and pleasant to the Reader.

## CHAP. II.

*Of the Succession of the Crown of England, from the Conquest, unto the time of King Edward the III. with the beginning of three principal Lineages of the English Blood-Royal, dispersed into the Houses of Britain, Lancaster, and York.*

*Discent of  
William  
the Con-  
queror.*

NO man is ignorant said the Lawyer, how *William* the Conqueror came to the Crown of *England*, which was indeed by dint of Sword, though he pretended that he was chosen by the will and testament of King *Edward* the Confessor. But howsoever this were, his posterity hath endured untill this day, and two and twenty Princes of his race have worn the *English* Crown after him, for the space of more then five hundred years; and how many more may yet do the same, God only knoweth: but if we follow probability, we cannot want of them, seeing his blood is so dispersed over the World at this day, as by this Declaration ensuing will appear.

*The Children of the  
Conqueror*

*Polid. l. 9.  
in fine  
Stow in  
vita Guliel*

This King *William* according to *Polidor* and other Chronicles of *England*, had by his Wife *Mathilda*, Daughter of *Baldwin*, Earl of *Flanders*, four Sons, and five Daughters; his eldest Son was *Robert*, whom he left Duke of *Normandy*, who was afterwards deprived of that Dukedom, by his younger and fourth Brother *Henry*, when he came to be King of *England*. His second Son was *Richard* that dyed in his youth; his third Son was *William*, surnamed *Rufus*, for that he was of red Hair; and the fourth Son was *Henry*, which two last Sons, were both

both Kings of *England* one after the other, as the World knoweth, by the names of *William* the second, and *Henry* the first.

The Conquerours Daughters were first *Cecilie* that was a *Nun*, and the second *Constantia* that was Married to *Alayn*, surnamed *Fergant* Duke of *Britanie*, and the third was *Adela* or *Alis*, Married to *Stephen*, Countie Palatine of *Blois*, *Champagne*, and *Chartres* in *France*, and the other two *Polidor* said, dyed before they were Married, and so their names were not Recorded.

These are the Children of King *William* the Conqueror, among whom after his death there was much strife about the Succession. For first his eldest Son Duke *Robert*, who by order of *Ancestrie* by birth should have succeeded him in all his Estates, was put back, first from the Kingdom of *England*, by his third Brother *William Rufus*, upon a pretence of the Conquerours Will and Testament, for particular affection that he had to this his said third Son *William*, though as *Stow* Writeth, almost all the Nobility of *England* were against *William's* entrance. But in the end, agreement was made between the two Brothers, with the condition, that if *William* should dye without Issue, then that *Robert* should succeed him; and to this accord, both the Princes themselves, and twelve principal Peers of each side were Sworn; but yet after when *William* dyed without Issue, this was not observed, but *Henry* the fourth Son entred, and deprived *Robert*, not only of this his Succession to *England*, but also of his Dukedom of *Normandy*, that he had enjoyed peaceably before, all the time of his Brother *Rufus*; and moreover he took him Prisoner, and so carried him into *England*, and there kept him till his death, which happened in the Castle of *Cardif* in the year 1134.

The miseries of Duke Robert and his Son.

Stow in vit Gul. Conquest.

And



William  
Son of Duke  
Robert.

And whereas this Duke Robert had a goodly Prince to this Son named William, who was Duke of Normandy by his Father, and Earl of Flanders in the right of his grand Mother, that was the Conquerors Wife, and Daughter of Baldwin Earl of Flanders as hath been said, and was established in both these States, by the help of Lewis the VI. surnamed Le Gros King of France, and admitted to do homage to him for the said States; his Uncle King Henry of England was so violent against him, as first he drove him out of the state of Normandy, and secondly he set up and maintained a Competitor or two against him in Flanders, by whom finally he was slaine in the year of Christ 1128. before the Town of Alost, by an Arrow, after he had gotten the upper hand in the Field; and so ended the race of the first Son of King William the Conquerour, to wit, of Duke Robert, which Robert lived after the Death of his said Son and Heir Duke William; Six years in Prison in the Castle of Cardiff, and pined away with sorrow and misery, as both the French and English Histories do agree.

Belfor. 13.  
cap. 42.  
Aa. 1128.

King Wil-  
liam Rufus

The second Son of the Conqueror named Richard, dyed as before hath been said, in his Fathers time, and left no Issue at all, as did neither the third Son William Rufus, though he Reigned 13. years after his Father the Conqueror; In which time he established the Succession of the Crown by consent of the States of England, to his elder Brother Duke Roberts issue, as hath been said, though afterwards it was not observed.

This King Rufus came to the Crown principally by the help and favour of Lanfrancus Archbishop of Canterbury, who greatly repented himself afterward of the error which in that point he had committed, upon hopes of his good Government which proved extream evil.

But this King *William Rufus*, being slayn afterward by the Arrow of a Crosse-bow, in *Newforrest* as is well known, and this at such time; as the fore-said Duke *Robert* his elder Brother, ( to whom the Crown by Succession appertained ) was absent in the War of the *Holy Land*, where ( according as most Authors do Write ) he was chosen King of *Hiernusalem*, but refused it upon hope of the Kingdom of *England*. But he returning home, found that his fourth Brother *Henry*, partly by fair promises, and partly by force, had invaded the Crown, in the year 1110. and so he Reigned 35. years, and had Issue divers Sons and Daughters, but all were either drowned in the Seas coming out of *Normandy*, or else dyed otherwise before their Father, except only *Matildis* who was first Married to *Henry* the Emperour, fifth of that name; and after his death without Issue, to *Geffrey Plantagenet* Duke of *Anjou*, *Touraine*, and *Maine* in *France*, by whom she had *Henry* which Reigned after King *Stephen*, by the name of *Henry* the II. And thus much of the Sons of *William* the Conqueror.

Tarea-  
gnotta l.2.  
del. Hist.  
del mondo.  
K. Henry.

Polydor.  
in vita  
Henrici i.

Of his two Daughters that lived to be Married and had Issue, the elder named *Constance*, was Married to *Alayn Fergant* Duke of *Britain*, who was Son to *Hoel* Earle of *Nants*, and was made Duke of *Britain* by *William* the Conquerors means; in manner Following.

The House  
of Britain  
by the elder  
Daughter  
of the Con-  
queror.

Duke *Robert* of *Normandy*, Father to the Conqueror, when he went on Pilgrimage unto the *Holy Land*, ( in which Voyage he dyed, ) left for Governour of *Normandy*, under the protection of King *Henry* the first of *France*, Duke *Alayne* the first of *Britain*, which *Alayne* had Issue *Conan* the first, who being a stirring Prince of about 24. years old when Duke *William* began to treat of passing over into *England*; he shewed himself not to favour much that enterprize, which Duke *William* fearing, caused

Belfor. l. 3.  
Pag. 423.

Conan  
Duke of  
Britain  
Poysoned  
by William  
the  
Conqueror.

him to be Poysoned with a pair of perfumed Gloves, as the *French* stories do report; and caused to be set up in his place and made Duke, one *Hoel* Earl of *Nantes*, who to gratifie *William* sent his Son *Alaine* surnamed *Fergant* with 5000. Souldiers to pass over into *England* with him; and so he did, and *William* afterward in recompence thereof, gave him his eldest Daughter *Constantia* in Marriage; with the Earldom of *Richmond*, by whom he had Issue *Conan*, the second, surnamed *le Gros*, who had Issue a Son and a Daughter.

Belfor. l. 3.  
Cap. 12.  
Aa. 1095.  
ex chronic.  
dionis.

The Son was called *Hoel*, as his Grand-Father was, and the Daughters name was *Bertha*, Married to *Eudo* Earl of *Porbet* in *Normandy*; and for that this Duke *Conan*, liked better his Daughter and his Son in-law, her Husband, then he did *Hoel* his own Son; he disavowed him on his Death Bed, and made his said Daughter his Heir: who had by the said *Eudo*, a Son named *Conan* surnamed the younger, which was the third Duke of that name; and this man had one only Daughter and Heir named Lady *Constance*, who was Married to the third Son of King *Henry* the second named *Geffrey*, and elder Brother to King *John*, that after came to Re gn, and by this Lord *Geffrey* she had Issue *Arthur* the second Duke of *Britain*, whom King *John* his Uncle put back from the Crown of *England*, and caused to be put to death, as after shall be shewed; and he dying without Issue, his Mother *Constance*, Dutcheffs and Heir of *Britain*, Married again with a Prince of her own House, whom after we shall name in the prosecution of this Line, and by him she had Issue that hath endured until this day, the last whereof hitherto is the Lady *Isabella* infant of *Spain*, and that other of *Savoy* her Sister, whom by this means we see to have descended from King *William* the Conqueror, by his eldest Daughter Lady *Constance*; as also by divers other participations of the

The Daugh-  
ter of *Spain*  
are of the  
Blood Royal  
of *England*.

the Bloud-Royal of *England*, as afterwards will appear.

Now then to come to the second Daughter of King *William* the Conquerour, or rather the third (for that the first of all was a *Nun* as before hath been noted,) her name was *Adela* or *Alice* as hath been said, and she was Married in *France* to *Stephen Count Palatine of Champagne, Charters and Bloys*, by whom she had a Son called also *Stephen*, who by his Grand Mother was Earl also of *Bullaine* in *Picardy*, and after the death of his Uncle King *Henry* of *England*, was by the favour of the *English* Nobility, and especially by the help of his own Brother the Lord *Henry* of *Bevis*, that was Bishop of *Winchester*, and jointly *Abbot* of *Glastenbury*, made King of *England*, and this both in respect that *Mabilda* Daughter of King *Henry* the first was a Woman, and her Son *Henry* Duke of *Anjou*, a very child, and one degree farther off from the Conqueror and from King *Rufus* then *Stephen* was; as also for that this King *Henry* the first (as hath been signified before,) was judged by many to have entred wrongfully unto the Crown, and thereby to have made both himself and his posterity, incapable of Succession, by the violence which he used against both his elder Brother *Robert*, and his Nephew Duke *William*, that was Son and Heir to *Robert*, who by nature and Law were both of them held for Soverains to *John*, by those that favoured them and their pretentions.

*The Houses  
of Bloys.*

*Why  
Stephen  
was admit-  
ted King of  
England.*

But yet howsoever this were, we see that the Duke of *Brittainy*, that lived at that day, should evidently have succeeded before *Stephen*, for that he was descended of the elder Daughter, of the Conqueror, and *Stephen* of the younger, though *Stephen* by the commodity he had of the nearness of his Port and Haven of *Bullain* into *England*, as the *French* stories do say, (for *Calis* was of no importance at that time,) and by the friendship and familiarity he

*Girard l. 6.  
Belfor. l. 3.*

## A Conference touching Succession

had gotten in *England*, during the Reign of his two Uncles King *Rufus* and King *Henry*; and especially by the he'p of his Brother the Bishop and Abbot, as hath been said, he got the start of all the rest, and the states of *England* admitted him.

The Issue of  
K. Stephen.

This man although he had two Sons, namely *Eustachius* Duke of *Normandy*, and *William* Earl of *Norfolk*, yet left they no Issue: And his Daughter *Mary* was Married to *Matthew* of *Flanders*, of whom if any Issue remains, it fell afterwards upon the House of *Austria*, that succeeded in those States.

K. Henry  
the II.

To King *Stephen* who left no Issue, succeeded by composition after much War, *Henry* Duke of *Anjou*, Son and Heir to *Mathilda* before named, Daughter of *Henry* the first, which *Henry* named afterward the second, took to his Wife *Eleanor* Daughter and Heir of *William* Duke of *Aquitain*, and Earl of *Poitiers*, which *Eleanor* had been Married before to the King of *France* *Lewis* the VII. and bare him two Daughters; but upon dislike conceived by the one against the other, they were Divorced, under pretence of being within the fourth degree of Consanguinity; and so by second Marriage, *Eleanor* was Wife to this said *Henry*, who afterwards was King of *England* by name of King *Henry* the II. that procured the death of *Thomas Becket*, Archbishop of *Canterbury*, and both before and after the greatest Enemy, that ever *Lewis* the King of *France* had in the World, and much the greater for his Marriage, by which *Henry* was made far stronger; for by this Woman he came to be Duke of all *Aquitain*, that is of *Gascony* and *Guiene*, and Earl of all the Country of *Poitiers*; whereas before also by his Fathers inheritance, he was Duke both of *Anjou*, *Touraine*, and *Maine*, and his Mother *Mathilda* King *Henries* Daughter of *England*, he came to be King of *England*, and Duke of *Normandy*, and his own industry, he

Belfor. l. 3.

cap. 50.

An. 1151.

Geraid. l.

8 pag 549

he got also to be Lord of *Ireland*, as also to bring *Scotland* under his homage, so as he enlarged the Kingdom of *England* most of any other King before or after him.

This King *Henry* the II. as *Stow* recounteth, had by Lady *Eleanor* five Sons and three Daughters. His eldest Son was named *William* that dyed young, his second was *Henry* whom he caused to be crowned in his own Life time, whereby he received much trouble, but in the end this Son dyed before his Father, without issue. His third Son was *Richard*, surnamed for his valour *Cor de Leon*, who reigned after his Father, by the name of *Richard* the I. and dyed without issue, in the Year of Christ 1199.

King Henry II. his Issue.  
*Stow in vita Hen.*

King Richard.

His fourth Son, named *Geffrey*, married Lady *Constance* Daughter and Heir of *Britany*. as before hath been said, and dying left a son by her, named *Arthur*, which was Duke of *Britany* after him, and pretended also to be King of *England*, but was put by it by his Uncle *John*, that took him also Prisoner. and kept him also in the Castle first of *Falaise* in *Normandy*, and then in *Roman*, until he caused him to be put to death, or slew him with his own hands, as *French Stories* write, in the Year 1204.

Duke Geffrey.

This Duke *Arthur* left behind him two Sisters, as *Stow* writeth in his *Chronicles*, but others write that it was but one, and at least wise I find but one named by the *French Stories*, which was *Eleanor*, whom they say King *John* also caused to be murdered in *England* a little before her Brother the Duke was put to death in *Normandy*, and this was the end of the Issue of *Geffrey*, whose Wife *Constance* Dutcheß of of *Britany* married again after this Murther of her Children, unto one *Guy* Vicount of *Touars*, and had by him two daughters, whereof the eldest named *Alice* was Dutcheß of *Britany*,

*Paradyn apud Belfor.*  
l. 3. cap. 71.  
An. 1203,

Belfor.

Belfor.

l. 4. cap. 4.

by whom the Race hath been continued unto our time.

King John  
and his  
Issue.

The *Fifth* Son of King *Henry* the II. was named *John*, who after the death of his Brother *Richard* by help of his Mother *Eleanor*, and of *Hubert* Archbishop of *Canterbury*, drawn thereunto by his said Mother, got to be King, and put back his Nephew *Arthur*, whom King *Richard* before his departure to the War of the *Holy Land*, had caused to be declared *Heir apparent*, but *John* prevailed, and made away both Nephew and Neece, as before hath been said, for which Fact he was detested of many in the World abroad, and in *France* by Act of *Parliament* deprived of all the States he had in those parts. Soon after also the *Pope* gave sentence of *Deprivation* against him, and his own *Barons* took Arms to execute the sentence; and finally they deposed both him and his young Son *Henry* being then but a Child of eight years old, and this in the eighteenth year of his *Reign*, and in the Year of *Christ* 1215. and *Lewis* the VIII. of that name Prince at that time, but afterwards King of *France*, was chosen King of *England*, and sworn in *London* and placed in the *Tower*, though soon after by the sudden death of King *John*, that course was altered again, and *Henry* his Son admitted for King.

Miseries  
that fell  
upon King  
John.

Polid. Hol-  
lingh. and  
Stow in  
vita Jo-  
hannis.

The issue  
of King  
*Henry* II.  
his  
Daughters.  
*Belfor*,  
l. 3. c. 42.  
An. 1152.  
A.

And thus much of the Sons of King *Henry* II. But of his Daughters by the same Lady *Eleanor* Heir of *Gascony*; *Belforest* in his Story of *France* hath these words following: King *Henry* had four Daughters by *Eleanor* of *Aquitain* the eldest whereof was married to *Alonso* the IX. of that name, King of *Castile*, of which Marriage issued *Queen* *Blanch* Mother to *S. Lewis* King of *France*. The second of these two Daughters was espoused to *Alexis* Emperour of *Constantinople*. The third was married to the Duke of *Saxony*, and the fourth was given to the Earl  
of

of Tholosa. Thus being the *French Stories* of these Daughters.

Of the marriage of the eldest Daughter of these four, (whose name was *Eleanor* also, as her Mother was) with King *Alonso* the IX. of *Castile*, there succeeded many Children, but only one Son that lived, whose name was *Henry*, who was King of *Castile* after his Father, by the name of *Henry* the I. and died quickly without Issue: and besides this *Henry* two Daughters also were born of the same marriage, of which the eldest and Heir (named *Blanch*) was married by intercession of her Uncle King *John* of *England*, with the foresaid Prince *Lewis* of *France*; with this express condition, as both *Polydor* in his *English Story*, and *Garibay* the Chronicler of *Spain* do affirm, that she should have for her Dowry all the States that King *John* had lost in *France*, which were almost all that he had there: and this to the end, he might not seem to have lost them by force, but to have given them with the marriage of his Niece: and so this marriage was made, and her Husband *Lewis* was afterward chosen also King of *England* by the Barons, and sworn in *London*, as before hath been said. And hereby also the Infanta of *Spain* before mentioned, that is descended lineally from both these Princes, (I mean as well from Queen *Blanch*, as from *Lewis*) is proved to have her pretence fortified to the Interest of *England*, as afterwards shall be declared more at large in due place.

The Issue  
of Lady  
*Eleanor*  
Queen of  
*Spain*.

*Polyd. l. 15.*  
*in vit. Jo-*  
*han. Steph.*  
*Garib. l. 12*  
*cap. 31.*

The second Daughter of King *Alonso* the IX. by Queen *Eleanor*, was named *Berenguela*, and was married to the Prince of *Leon* in *Spain*, and had by him a Son named *Fernando*, who afterwards when King *Henry* her Brother was dead, was admitted by the *Castilians* for their King, by the name of *Fernando* the IV. as before the Civilian hath no-

Queen *Berenguela*.



*Garibay*  
l. 12. c. 52.

*Pretences  
of the In-  
fanta of  
Spain, to  
English  
& French  
States.*

ted; and *Blanch* with her Son *S. Lewis*, though she were the elder, was put by the Crown, against all right of Succession, as *Garibay* the *Spanish* Chronicler noteth and confesseth.

Hereby then some do gather, that as the first Interest which the Crown of *England* had to the States of *Gascony*, *Guyenne* and *Poytiers* came by a woman: so also did it come to *France* by the right of this foresaid *Blanch*, whereof the favourers of the Infanta of *Spain* do lay, that she being now first and next in blood of that House, ought to inherit all these and such like States, as are inheritable by women, or came by women, as the former States of *Gascony* and *Guyenne* did to King *Henry* the II. by Queen *Eleanor* his wife, and *Normandy* by *Mathilaa* his mother, and both of them to *France* by this former interest of *Blanch*. And more they say, that this Lady *Blanch*, mother to King *S. Lewis*, whose Heir at this day the Infanta of *Spain* is, should by right have inherited the Kingdom of *England* also, after the murder of Duke *Arthur* and his Sister *Eleanor*, for that she was the next of kin unto them, at that time, which could be capable to succeed them; for that King *John* himself was incapable of their succession whom he had murdered, and his Son *Henry* was not then born, nor in divers years after; and if he had been, yet could he receive no Interest thereunto by his Father, who had none himself: of all which points there will be more particular occasion to speak hereafter.

*K. Henry  
the 3. and  
his Issue.*

Now then I come to speak of King *Henry* the third, who was Son to this King *John*, and from whom all the three Houses before mentioned of *Britany*, *Lancaster* and *York*, do seem to issue, as a triple branch out of one Tree; albeit the Royal Line of *Britany* is more ancient, and was divided before even from *William* the Conquerors time, as  
hath

hath been shewed, yet do they knit again in this King *Henry*, for that of King *Henry* the third his eldest Son, named Prince *Edward* the first, descended *Edward* the second, and of him *Edward* the third, from whom properly riseth the House of *York*. And of his second Son *Edmond*, surnamed Crookback, County Palatine of *Lancaster*, issued the Dukes of *Lancaster*, until in the third descent, when the Lady *Blanch* Heir of that House, matched with *John* of *Gannet*, third Son of King *Edward* the third, from which marriage rose afterward the formal division of these two Houses of *Lancaster* and *York*, and also two distinct branches of *Lancaster*.

*The meeting of three Houses.*

*Prince Edward.*

*Duke Edmond.*

Besides these two Sons, King *Henry* the third had a Daughter named Lady *Beatrix*, whom he married to *John* the second of that name, Duke of *Britany*, who after was slain at *Lions* in *France*, by the fall of an old Wall, at the Coronation of Pope *Clement* the 5th. of that name, in the year of Christ 1298. and for that the Friends of the Infanta of *Spain*, do seek to strengthen her Title by this her descent also of the Royal blood of *England*, from *Henry* the third, as afterward shall be declared. I will briefly in this place continue the Pedegree of the House of *Britany* from that I left before, even to our days.

*Lady Beatrix, daughter of K. Henry 3.*

I shewed before in this Chapter, that *Geoffry* the third Son to King *Henry* the second, and Duke of *Britany* by his Wife, being dead, and his two Children *Arthur* and *Eleanor* put to death by their Uncle King *John* in *England*, as before hath been said, it fell out that *Constance* Dutcheess and Heir of *Britany*, married again to *Guy* Viscount of *Tours*, and had by him two Daughters, whercof the eldest named *Alice* was Dutcheess of *Britany*, and married to *Peter Brien* Earl of *Drusse*, and by him had *John* the first of that name, Duke of *Britany*.

*The Pedegree of the Dukes of Britany.*

*The great  
Contention  
between  
the Houses  
of Monford  
and Blois  
in Britany.*

*Burgundy  
and Or-  
leans.*

*The contro-  
versie be-  
tween the  
House of  
Monford  
and Blois.*

*tany*, which *John* the first had issue *John* the second, who married Lady *Beatrix* before-mentioned, Daughter to King *Henry* the third, and by her had the second *Arthur* Duke of *Britany*, to whom succeeded his eldest Son by his first Wife, named *John* the third, who dying without Issue, left the very same trouble and garboil in *Britany* about the succession between the two noble Houses of *Blois* and *Monford*, the one maintained by *France*, and the other by *England*; as soon after upon the very like occasion happen'd in *England*, between the Houses of *Lancaster* and *Tork*, as after shall be shewed. And not long after that again, the like affliction also ensued in *France*, (though not for succession, but upon other occasions) between the great and Royal Houses of *Burgundy* and *Orleans*, whereby all three Commonwealths (I mean *England*, *Britany* and *France*) were like to have come to destruction and utter desolation.

And for that it may serve much to our purpose hereafter, to understand well this controversie of *Britany*, I think it not amiss in few words to declare the same in this place: Thus then it happened.

The foresaid *Arthur* the second of that name, Duke of *Britanie*, and Son of Lady *Beatrix*, that was Daughter (as hath been said) to King *Henry* the III. of *England*, had two Wives, the first named *Beatrix* as his Mother was, and by this he had two Sons, *John* that succeeded him in the State, by the name of Duke *John* the III. and *Guy* that dying before his elder Brother left a Daughter and Heir, named *Joan*, and surnamed the lame, for that she halted, who was married to the Earl of *Blois*, that was Nephew to *Philip* of *Valois* King of *France*, for that he was born of his Sister.

But besides the two Children, the said Duke  
*Arthur*

Arthur had by his second Wife, named *Joland* Countess and Heir of the Earldom of *Monford*, another Son called *John Breno*, who in the right of his Mother was Earl of *Monford*. And afterward when Duke *John* the III. came to die without Issue, the question was, who should succeed him in his Dukedom, the Uncle or the Neece, that is to say, his third Brother *John Breno* by half blood, or else his Neece *Joan* the lame, that was Daughter and Heir to his second Brother *Guy* of whole blood, that is, by Father and Mother, which Lady *Joan* was married to the Earl of *Blois* as hath been said. And first, this matter was handled in the Parliament of *Paris*, the King himself sitting in Judgment with all his Peers, the 30 day of September 1341 and adjudged it to the Earl of *Blois*, both for that his Wife was Heir to the elder Brother, as also for that Duke *John* by his Testament and consent of the States, had appointed her to be his Heir, but yet King *Edward* the III. and States of *England* did Judge it otherwise, and preferred *John Monford*, not knowing that the very case was to fall out very soon after in *England*, I mean, they Judged the State to *John Breno* Earl of *Monford*, younger Brother to *Guy*, and they assisted him and his Son after him, with all their Forces for the gaining and holding of that State:

And albeit at the beginning, it seemed that matters went against *Monford*, for that himself was taken prisoner in *Nantes*, and carried captive to *Paris* where he died in prison, yet his Son *John* by the assistance of the *English* Armies got the Dukedom afterward, and slew the Earl of *Blois*, and was peaceably Duke of *Britanie* by the name of *John* the IV. and his posterity hath endured until this day, as briefly here I will declare.

This Duke *John* the IV. of the House of *Monford* had Issue *John* the V. and he, *Francis* the first, who

A question about succession between the Uncle and the Niece.

The House of Blois overcome.

The succession of the Monfords in Britany.

who dying without Issue, left the Dukedom to *Peter* his Brother, and *Peter* having no Children neither, he left it to his Uncle *Arthur* the III Brother to his Father *John* the V. and this *Arthur* was Earl of *Richmond* in *England*, as some of his ancestors had been before him, by gifts of the Kings of *England*.

Francis  
last Duke  
of Britany.

This *Arthur* dying without Issue, left the Dukedom unto his Nephew, to wit, his Brothers Son *Francis* the II. who was the last male Child of that race, and was he that had once determined, to have delivered *Henry* Earl of *Richmond*, unto his enemy King *Edward* the IV. and after him to King *Richard* the III. but that *Henry's* good fortune reserved him to come to be King of *England*.

How the  
Dukedom  
of Britany  
was united  
to France.

This Duke *Francis* had a Daughter and Heir named *Anna*, married first to *Charles* the VIII King of *France*, and after his death without Issue, to his Successor *Lewis* the XII. by whom she had a Daughter named *Claudia*, that was Heir to *Britanie*, though not to the Crown of *France*, by reason of the Law *Salique*, that holdeth against women in the Kingdom of *France*, but not in *Britany*; and to the end this Dukdome should not be disunited again from the said Crown of *France*, this Daughter *Claudia* was married to *Francis* Duke of *Angolome*, Heir apparent to the Crown of *France*, by whom she had Issue *Henry*, that was afterward King of *France*, and was Father to the last King of that Country, and to *Isabel* Mother of the Infanta of *Spain*, and of her Sister the Dutchesse of *Savoy* that now is, by which also some do affirm that the said Princess or Infanta of *Spain*, albeit she be barred from the Succession of *France*, by their pretended Law *Salique*: yet is her title manifest to the Dukdome of *Britanie*, that came by a woman as we have shewed; and thus much of the House of *Britany*, and of the Princess of *Spain*,  
how

how she is of the Bloud Royal of *England*, from the time of *William* the Conqueror himself, by his eldest Daughter, as also by other Kings after him: and now we shall return to prosecute the Issue of these two Sons of King *Henry* the III. to wit, of *Edward* and *Edmond*, which before we left

I shewed you before how King *Henry* the III. had two Sons, *Edward* the Prince, that was King after his Father, by the name of *Edward* the first, and *Edmond* surnamed Crouchback by some Writers, who was the first Earl and County Palatine of *Lancaster*, and beginner of that House. *The Issue Male of K. Henr. 3.*

And albeit some Writers of our time have affirmed, or at least wise much inclined to favour a certain old report, that *Edmond* should be the Elder Brother to *Edward*, and put back only for his deformity of his body, (whereof *Polidor* doth speak in the beginning of the Reign of King *Henry* the IV. and as well the Bishop of *Ross* as also *George Lilly* do seem to believe it) yet evident it seemeth that it was but a fable, as before I have noted, and now again shall briefly prove it by these reasons following, for that it importeth very much for deciding the controversie between the Houses of *Lancaster* and *York*. *The Bishop of Ross in his Book of the Queens of Scots Title. George Lilly in fine Epitomes Chron. Anglie.*

The first reason then is, for that all Ancient Historiographers of *England*, and among them *Matthew Westmonasteriensis* that lived at the same time, do affirm the contrary, and do make *Edward* to be elder then *Edmond* by six years and two days, for that they appoint the Birth of Prince *Edward* to have been upon the 16. day of *June* in the year of Christ 1239, and the 24. of the Reign of his Father King *Henry*, and the Birth of Lord *Edmond* to have followed upon the 18. day of the same month 6 years after, to wit, in the year of our Lord 1245 and they do name the Godfathers and Godmothers of them both together, with the peculiar *That Edward was the elder. Mat. West. in vit. H. 3. & Hollingshed ibid. p. 654.*

peculiar

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culiar solemnities and feasts, that were celebrated at their severall Nativities, so as it seemeth there can be no error in this matter.

2. The 2d. reason is, for that we read that this Lord *Edmond* was a goodly, wise, discreet Prince, notwithstanding that some Authors call him *Crouch-back*, and that he was highly in the favour both of his Father King *Henry*, as also of his Brother King *Edward*, and imployed by them in many great Wars, and other affairs of State, both in *France* and other where, which argueth that there was no such great defect in him as should move his Father and the Realm to deprive him of his Succession.

3. Thirdly we read that King *Henry* procured by divers ways and means the advancement of this Lord *Edmond*, as giving him the Earldoms of *Leicester* and *Darby*, besides that of *Lancaster*, as also procuring by all means possible and with exceeding great charges to have made him King of *Naples* and *Sicilie* by Pope *Innocentius*; which had been no policy to have done, if he had been put back from his Inheritance in *England*, for that it had been to have Armed him against his Brother the King

Hollingsh.  
in vit. H. 3.  
p. 740. &  
777.

4. Fourthly, we see that at the death of his Father King *Henry* the III. this Lord *Edmond* was principally left in charge with the Realm, his elder Brother Prince *Edward* being scarcely returned from the War of *Asia*, at what time, he had good occasion to challenge his own right to the Crown, if he had had any, seeing he wanted no power thereunto, having three goodly Sons at that time alive, born of his Wife Queen *Blanch* Daughter of *Navarre* and County of *Champaign*, to whom she had born only one Daughter, that was, married to *Philippe Bel* King of *France*.

But we shall never read that either he, or any of his

His Children, made any such claim, but that they lived in very good agreement and high grace with King *Edward* the first, as his Childern did also with King *Edward* the II. until he began to be misled in Government, and then the two Sons of this Lord *Edmond* (I mean both *Thomas* and *Henry*, that Successively were Earls of *Lancaster*) made War upon the said *Edward* the II. and were the principal Actors in his deposition, and in setting up of his Son *Edward* the III. in his place, at what time it is evident that they might have put in also for themselves, if their title had been such as this report maketh it.

Edmonds  
Line never  
pretended  
to the  
Crown.

A fifth reason is, for that if this had been so, that *Edmond* Earl of *Lancaster*, had been the elder Brother, then had the controversie between the two Houses of *York* and *Lancaster*, been most clear and without all doubt at all, for then had the House of *York* had no pretence of right in the World; and then were it evident, that the Heirs general of *Blanch* Dutcheß of *Lancaster*, Wife of *John* of *Gaunt*, to wit, the descendents of Lady *Philip* her Daughter, that was married into *Portugal*; these I say, and none other, were apparent and true Heirs to the Crown of *England* at this day, and all the other of the House of *York* usurpers, as well King *Henry* the VII. as all his posterity and offspring, for that none of them have descended of the said *Blanch*, as is manifest.

5.  
Note this  
consequent.

And therefore lastly, the matter standeth (no doubt) as *Polidor* holding in the latter end of the life of King *Henry* the III. where having mentioned these two Sons *Edward* and *Edmond*, he addeth these words. *There wanted not certain men long time after this, that affirmed this Edmond to be the elder Son to King Henry the III. and to have been deprived of his Inheritance, for that he was deformed in body; but these things were feigned, to the end that*

6.  
The elder-  
ship of Ed-  
mond a  
fiction.

Polyd. in  
fine vit.  
Henr. 3.

King



## A Conference touching Succession

*King Henry the IV. that came by his Mothers side of this Edmond, might seem to have come to the Kingdom by right, whereas indeed he got it by force:*

Thus saith *Polidor* in this place, but afterward in the beginning of the life of the said King *Henry the IV.* he saith, that some would have had King *Henry* to have pretended this Title among other reasons, but that the most part accounting it but a meer fable, it was omitted.

Now then it being clear, that of these two Sons of King *Henry the III.* Prince *Edward* was the Elder and Lawful Heir, it remaineth only that we set down their several descents unto the times of King *Edward the III.* and his Children, in whose days the dissention and controversie between these Royal Houses of *York* and *Lancaster*, began to break forth,

*The Issue  
of K. Ed-  
ward the 1.*

And for the Issue of *Edward* that was King after his Father, by the name of King *Edward the first*, it is evident, that albeit by two several Wives he had a dozen Children, male and female, yet only his fourth Son by his first Wife, called also *Edward*, (who was King after him by the name of King *Edward the II.*) left Issue that remained, which *Edward the II* being afterward for his evil Government deposed, left Issue *Edward the III.* who was made King by election of the people in his place; and after a long and prosperous Reign, left divers Sons, whereof after we shall speak, and among them his III. Son named *John of Gaunt*, married Lady *Blanch* Daughter and Heir of the House of *Lancaster*, and of the forenamed Lord *Edmond Crouchback*, by which *Blanch*, *John of Gaunt* became Duke of *Lancaster*: so as the lines of these two Brethren *Edward* and *Edmond* did meet and joyn again in the fourth descent, as now shall appear by declaration of the Issue of the foresaid Lord *Edmond*,

*Edmond*

*Edmond* then the second Son of King *Henry* the third, being made County Palatine of *Lancaster*, as also Earl of *Leicester* and of *Darby*, by his Father King *Henry*, as hath been said; had issue three Sons, to wit, *Thomas*, *Henry*, and *John*, among whom he divided his three States, making *Thomas* his eldest Son, County Palatine of *Lancaster*, *Henry* Earl of *Leicester*, and *John* Earl of *Darby*. But *Thomas* the eldest, and *John* the youngest, dying without Issue, all three States fell again upon *Henry* the second Son; which *Henry* had Issue one Son and three Daughters: his Son was named *Henry* the second of that name, Earl of *Lancaster*, and made Duke of *Lancaster* by King *Edward* the third, and he had one only Daughter and Heir named *Blanch*, who was married unto *John* of *Gaunt*, as before hath been said. But Duke *Henry's* three Sisters, named *Joan*, *Mary* and *Eleanor*, were all married to divers principal men of the Realm, for that *Joan* was married to *John* Lord *Maubery*, of whom are descended the *Howards* of the House of *Norfolk* at this day; and *Mary* was married to *Henry* Lord *Percy*, from whom cometh the House of the Earls of *Northumberland*; and *Eleanor* was married to *Richard* Earl of *Arundel*, whence is issued also by his Mothers side the Earl of *Arundel* that now is: so as of this ancient Line of *Lancaster* there want not noble Houses within the Realm at this day, issued thence before the controversie fell out between *York* and this Family, of which controversie how it rose, and how it was continued; I shall now begin to make more particular declaration, taking my beginning from the Children of King *Edward* the third, who were the causers of this fatal dissention:

The Issue of  
Edmond  
Crouch-  
back.

Collateral  
Lines of  
Lancaster.

## CHAP. III.

*Of the succession of English Kings from King Edward the third, unto our days, with the particular causes of dissention between the Families of York and Lancaster, more largely declared.*

*Five Sons  
of K. Ed-  
ward 3.*

**K**ing Edward the third, surnamed by the English the Victorious, though he had many Children, whereof some died without Issue, which appertain not to us to treat of, yet had he five Sons that left Issue behind them; to wit, Edward the eldest, that was Prince of Wales, surnamed the Black Prince; Leonel Duke of Clarence, which was the second Son; John of Gaunt, so called for that he was born in that City, that was the third Son, and by his Wife was Duke of Lancaster; and fourthly, Edmond surnamed of Langley, for that he was also born there, and was Duke of York; and last of all, Thomas the fifth Son, surnamed of Woodstock, for the same reason of his birth, and was Duke of Gloucester.

*The Red  
Rose and  
the White.*

All these five Dukes being great Princes, and Sons of one King, left Issue behind them as shall be declared; and for that the descendents of the third and fourth of these Sons, to wit, of the Dukes of Lancaster and York, came afterward to strive who had best Title to Reign, thereof it came that the controversie had his name of these two Families, which for more distinction sake, and the better to be known, took upon them for their Ensigns a Rose of two different colours, to wit, the White Rose, and the Red, as all the World knoweth,

eth, whereof the White served for York, and the Red for Lancaster.

To begin then to shew the Issue of all these five Princes, it is to be noted, that the two elder of them, to wit, Prince *Edward*, and his second Brother *Leonel* Duke of *Clarence*, dyed both of them before King *Edward* their Father, and left each of them an Heir, for that Prince *Edward* left a Son named *Richard*, who Succeeded in the Crown immediately after his Grand-father, by the name of King *Richard* the second, but afterward for his evil Government was deposed, and dyed in prison without Issue, and so was ended in him the Succession of the first Son of King *Edward*.

*Issue of the Black Prince.*

The second Son *Leonel*, dying also before his Father, left behind him one only Daughter and Heir, named *Philippa*, who was married to one *Edmond Mortimer* Earl of *March*, and he had by her a Son and Heir named *Roger Mortimer*, which *Roger* had Issue two Sons named *Edmond* and *Roger*, which dyed both without Children, and one daughter named *Anne Mortimer*, who was married unto *Richard Plantagenet* Earl of *Cambridge*, second Son unto *Edmond Langley* Duke of *York*, which Duke *Edmond* was fourth Son, as hath been said, unto King *Edward* the third; and for that this *Richard Plantagenet* married the said *Anne*, as hath been said, hereby it came to pass, that the House of *York* joyned two titles in one, to wit, that of *Leonel* Duke of *Clarence*, which was the second Son of King *Edward* the third, and that of *Edmond Langley* Duke of *York* which was the fourth Son: and albeit this *Richard Plantagenet* himself never came to be Duke of *York*, for that he was put to death, while his elder Brother lived, by King *Henry* the fifth, for a conspiracy discovered in *Somerset* against the said King, when he was go-

*The Issue of Leonel the 2d. Son.*

*The Issue of Edmond the 4. Son.*

ing over into *France* with his Army: yet he left a Son behind him named also *Richard*, who afterward came to be Duke of *York*, by the death of his Uncle, which Uncle was slain soon after in the Battel of *Agencourt* in *France*: and this *Richard* began first of all to prosecute openly his quarrel for the Title of the Crown, against the House of *Lancaster*, as a little afterward more in particuler shall be declared, as also shall be shewed how that this 2 *Richard* Duke of *York* being slain also in the same quarrel, left a Son named *Edward*, Earl of *March*, who after much trouble got to be King, by the name of King *Edward* the 4 by the oppression and putting down of King *Henry* the 6 of the House of *Lancaster*, and was the first King of the House of *York*, whose Genealogy we shall lay down more largely afterwards in place convenient.

The Issue of  
Thomas  
the 5. Son,

And now it followeth in order that we should speak of *John* of *Gaunt* the third Son; but for that his descent is great, I shall first shew the descent of the fifth and last Son of King *Edward*, who was *Thomas* of *Woodstock* Duke of *Glocester* and Earl of *Buckingham*, that was put to death afterward or rather murdered wrongfully, by order of his Nephew King *Richard* the second, and he left only one daughter and Heir named *Anne*, who was married to the Lord *Stafford* whose Family afterward in regard of this marriage came to be Dukes of *Buckingham*, and were put down by King *Richard* the third, and King *Henry* the eighth, albeit some of the bloud and name do remain yet still in *England*.

And thus having brought to an end the Issue of three Sons of King *Edward*, to wit, of the first, second, and fifth, and touched also somewhat of the fourth, there resteth to prosecute more fully the Issues and descents of the third and fourth Sons, to wit, of *John* of *Gaunt* Duke of *Lancaster*, and

and of *Edmond Langly* Duke of *York*, which are the Heads of these two Noble Families; which thing I shall do in this place with all brevity and perspicuity possible, beginning first with the House of *Lancaster*.

*John* of *Gaunt* third Son of King *Edward* being Duke of *Lancaster* by his Wife, as hath been said, had three Wives in all, and by every one of them had issue; though the Bishop of *Ross* in his great Latine Arbour of the Genealogies of the Kings of *England*, Printed in *Paris* in the year 1580. assigneth but one Wife only to this *John* of *Gaunt*, and consequently that all his Children were born of her; which is a great and manifest errour, and causeth great confusion in all the rest which in his Book of the Queen of *Scots* Title he buildeth hereon; for that it being evident, that only the first Wife was Daughter and Heir of the House of *Lancaster*, and *John* of *Gaunt* Duke thereof by her, it followeth that the Children only that were born of her, can pretend properly to the inheritance of that house, and not others born of *John* of *Gaunt* by other wives, as all the World will confesse.

*The Issue of  
of the 3d.  
son, Duke  
of Lancast.*

First then (as I have said) this *John* of *Gaunt* married *Blanch* Daughter and Heir of *Henry* Duke of *Lancaster*, and had by her one Son only and two Daughters. The Son was called *Henry* Earl first of *Darby*, and after made Duke of *Hereford* by King *Richard* the second, and after that came to be Duke also of *Lancaster* by the death of his Father, and lastly was made King by the deposition of his Cousen German the said King *Richard*, and Reigned 13. years by the name of King *Henry* the fourth, and was the first King of the House of *Lancaster*, of the right of whose title examination shall be made afterwards.

*The Issue of  
L. Blanch.*

*Lady Philippa married into Portugal, and her Issue,*

The first of the two daughters which *John of Gaunt* had by *Blanch*, was named *Philippa*, who was married to *John* the first of that name King of *Portugal*, by whom she had Issue *Edward* King of *Portugal*, and he *Alfonfus* the fifth, and he *John* the second, and so one after another, even unto our days.

*Lady Elizabeth second Daughter.*

The second daughter of *John of Gaunt* by Lady *Blanch* was named *Elizabeth*, who was married to *John Holland* Duke of *Exeter* and she had Issue by him another *John* Duke of *Exeter*, and he had Issue *Henry* Duke of *Exeter*, that died without Issue Male, leaving only one Daughter named *Anne*, who was married to Sir *Thomas Nevil* Knight, and by him had Issue *Ralph Nevil* third Earl of *Westmerland*, whose Lineal Heir is at this day Lord *Charles Nevil* Earl of *Westmerland*, that liveth banished in *Flanders*.

*The Issue of K. Henr. 4.*

And this is all the Issue that *John of Gaunt* had by Lady *Blanch* his first Wife, saving only that I had forgotten to prosecute the Issue of *Henry* his first Son, surnamed of *Bullenbroke*, that was afterward called K. *Henry* the fourth, which King had four Sons and two daughters; his daughters were *Blanch* and *Philippa*, the first married to *William* Duke of *Bavaria*, and the second to *Erick* King of *Denmark*, and both of them died without Children.

The four Sons were first *Henry*, that Reigned after him by the name of *Henry* the fifth, and the second was *Thomas* Duke of *Clarence*, the third was *John* Duke of *Bedford*, and the fourth was *Humphry* Duke of *Glocester*, all which three Dukes died without Issue, or were slain in Wars of the Realm, so as only King *Henry* the fifth their elder Brother had Issue one Son named *Henry* also, that was King, and Reigned 40 years by the name of *Henry* the sixth, who had Issue Prince *Edward*, and both

both of them (I mean both Father and Son) were murthured by order or permission of *Edward* Duke of *York*, who afterward took the Crown upon him, by the name of King *Edward* the fourth, as before hath been said: so as in this King *Henry* the sixth, and his Son Prince *Edward*, ended all the bloud-Royal male of the House of *Lancaster*, by *Blanch* the first Wife of *John* of *Gaunt*, and the Inheritance of the said Lady *Blanch* returned by right of succession (as the favourers of the House of *Portugal* affirm, though others deny it) unto the Heirs of Lady *Philip* her eldest daughter, married into *Portugal*, whose Nephew named *Alfonso* the fifth King of *Portugal*, lived at that day when King *Henry* the sixth and his Heir were made away: and thus much of *John* of *Gaunt*'s first marriage.

But after the death of the Lady *Blanch*, *John* of *Gaunt* married the Lady *Constance*, daughter and Heir of *Peter* the first (surnamed the Cruel) King of *Castile*; who being driven out of his Kingdom by *Henry* his Bastard-brother, assisted thereunto by the *French*, he fled to *Bourdeaux* with his Wife and two daughters, where he found Prince *Edward*, eldest Son to King *Edward* the third, by whom he was restored; and for pledge of his fidelity, and performance of other conditions that the said King *Peter* had promised to the Prince, he left his two daughters with him: which daughters being sent afterwards into *England*, the eldest of them, named *Constance*, was married to *John* of *Gaunt*, and by her Title he named himself for divers years afterwards King of *Castile*, and went to gain the same by Arms. when *Peter* her Father was slain by his foresaid Bastard-brother. But yet some years after that again, there was an agreement made between the said *John* of *Gaunt*, and *John* the first of that name King of *Castile*, Son and

The Issue of  
John of  
Gaunt by  
his second  
Wife.

The contro-  
verse in  
Spain be-  
tween King  
Peter the  
Cruel, and  
his Bastard  
brother.



Garibay,  
L. 15. c. 26.

Heir of the foresaid *Henry* the Bastard, with condition, that *Catharine* the only daughter of *John* of *Gaunt* by Lady *Constance*, should marry with *Henry* the third Prince of *Castile* Son and Heir of the said King *John*, and Nephew to the Bastard *Henry* the second, and by this means was ended that controversie between *England* and *Castile*. And the said Lady *Catharine* had Issue by King *Henry*, *John* the second King of *Castile*, and he *Isabel* that married with *Ferdinando* the Catholick King of *Aragon*, and joyned by that marriage both those Kingdoms together; and by him she had a daughter named *Joan*, that married *Philip* Duke of *Austria* and *Burgundy*, and by him had *Charles* the fifth that was Emperor, and Father to King *Philip* that now reigneth in *Spain*; who (as we see) is descended two ways from *John* of *Gaunt* Duke of *Lancaster*, to wit, by two daughters begotten of two Wives, *Blanch* and *Constance*; neither had *John* of *Gaunt* any more Children by *Constance*, but only this daughter *Catharine*, of whom we have spoken: wherefore now we shall speak of his third Wife, that was Lady *Catharine Swinford*.

Of Lady  
Catharine  
Swinford,  
Hollinshead  
in *Brit.*  
Rich. 2.  
p. 1088.

This Lady *Catharine*, as *English* Histories do note, was born in *Heinalt* in *Flanders*, and was daughter to a Knight of that Country called Sir *Payne de Ruet*, and she was brought up in her youth in the Duke of *Lancasters* house, and attended upon his first Wife Lady *Blanch*; and being fair of personage, grew in such favour with the Duke, as in the time of his second Wife *Constance*, he kept this *Catharine* for his Concubine, and begat upon her four Children, to wit, three Sons and a daughter, which daughter (whose name was *Jane*) was married to *Ralph* Earl of *Westmorland*, called commonly in those days *Daw Raby*, of whom descended the Earls of *Westmorland* that ensued,

ensued. His three Sons were *John*, *Thomas* and *Henry*, and *John* was first Earl, and then Duke of *Sommerfet*: *Thomas* was first Marques of *Dorset*, and then Duke of *Excester*: *Henry* was Bishop of *Winchester*, and after Cardinal.

And after *John* of *Gaunt* had begotten all these four Children upon *Catharine*, he married her to a Knight in *England* named *Swinford*, which Knight lived not many years after, and *John* of *Gaunt* coming home to *England*, from *Aquitaine*, where he had been for divers years, and seeing this old Concubine of his *Catharine*, to be now a *Widow*, and himself also without a *Wife*, (for that the Lady *Constance* was dead a little before.) for the love that he bore to the Children that he had begotten of her, he determined to marry her, and thereby the rather to legitimate her Children, though himself were old now, and all his Kindred utterly against the Marriage, and so not full two years before his death, to wit, in the Year of Christ 1396. he married her, and the next Year after in a Parliament begun at *Westminster*, the 22 of *January*, Anno Domini 1397. he caused all his said Children to be legitimated, which he had begotten upon this Lady *Swinford* before she was his Wife.

The Duke of *Lancaster's* bastards made legitimate. *Hollingb* in vita *Kich. 2.*

But now to go forward to declare the Issue of these three Sons of *John* of *Gaunt* by *Catharine Swinford*, two of them, that is, *Thomas* Duke of *Exeter*, and *Henry* Cardinal and Bishop of *Winchester*, dyed without Issue, *John* the eldest Son that was Earl of *Somerfet* had Issue two Sons, *John* and *Edmond*, *John* that was Duke of *Somerfet* had Issue one onely Daughter, named *Margaret*, who was married to *Edmond* Tidder Earl of *Richmond*, by whom he had a Son named *Henry*, Earl also of *Richmond*, who after was afterwards made King, by the name of *Henry* the VII. and was Father to King *Henry* the VIII. and Grandfather to the Queens Majesty that

pag. 1090.

The issue of *Katharine Swinford's* children.

King *Henry* VII.

that now is. And this is the issue of *John* the first Son to the Duke of *Somerset*.

*The Dukes  
of Som-  
erset.*

*Edmond*, the second Son to *John* Earl of *Somerset*, was first Earl of *Mortaine*, and then after the death of his Brother *John*, (who dyed without Issue male, as hath been said,) was created by King *Henry* the VI. Duke of *Somerset*, and both he and almost all his Kin were slain in the quarrel of the said King *Henry* the VI. and for defence of the House of *Lancaster*, against *York*. For First this *Edmond* himself was slain in the battel of *S. Albans*, against *Richard* Duke and first Pretender of *York*, in the Year 1456. leaving behind him three goodly Sons, to wit, *Henry*, *Edmond* and *John*, whereof *Henry* succeeded his Father in the Dutchy of *Somerset*, and was taken and beheaded in the same quarrel at *Exham*, in the Year 1463. dying without Issue. *Edmond* likewise succeeded his Brother *Henry* in the Dutchy of *Somerset*, and was taken in the battel of *Temkesbury* in the same quarrel, and there beheaded the 7th. of May 1471. leaving no Issue. *John* also the third Brother, *Marquess* of *Dorset*, was slain in the same battel of *Temkesbury*, and left no Issue, and so in these two Noblemen ceased utterly all the Issue Male of the Line of *Lancaster*, by the Children of *John* of *Gaunt*, begotten upon Lady *Swinsford* his third Wife: So that all which remained of this Woman, was only *Margaret* Countess of *Richmond*, Mother to King *Henry* the VII. which King *Henry* the VII. and all that do descend from him in *England*, do hold the Right of *Lancaster* only by this third Marriage of *Catharine Swinsford*, as hath been shewed, and no ways of *Blanch* the first Wife, or of *Constance* the second; and this is enough in this place of the Descents of *John* of *Gaunt*, and of the House of *Lancaster*, and therefore I shall now pass over to shew the Issue of the House of *York*:

*Polidor  
hist. Ang.  
lib. 23.*

*Hollingsf. in  
vita Ed-  
wards IV.  
pa. 1314.  
& 1340.*

*What heirs  
of Lanca-  
ster now  
remain in  
England.*

I touched briefly before, how *Edmond Langley* Duke

Duke of *York*, fourth Son of King *Edward the III.* had two Sons, *Edward* Earl of *Rutland*, and Duke of *Aumarle*, that succeeded his Father afterwards in the Dutchy of *York*, and was slain without children under King *Henry the V.* in the battel of *Agencourt* in *France*. and *Richard* Earl of *Cambridge* which married Lady *Anna Mortimer*, as before hath been said, that was Heir of the House of *Clarence*, to w<sup>t</sup>. of *Leonel* Duke of *Clarence*, second son to King *Edward the III.* by which marriage he joyned together the two *Titles* of the *Second* and *Fourth Sons* of King *Edward*, and being himself convinced of a Conspiracy against King *Henry the V.* was put to death in *Southampton* in the Year of Christ 1413. and 3d. of the Reign of King *Henry the V.* and 5th. day of *August*.

*The Issue of the House of York.*

*Richard Earl of Cambridge executed.*

This *Richard* had Issue by Lady *Anna Mortimer* a Son named *Richard*, who succeeded his Uncle *Edward* Duke of *York* in the same Dutchy, and afterwards finding himself strong, made claime to the Crown in the behalf of his Mother, and declaring himself Chief of the Faction of the *White Rose*, gave occasion of many cruel battels against them of the *Red Rose* and House of *Lancaster*, and in one of the battels which was given in the Year 1460. at *Wakefield*, himself was slain, leaving behind him three Sons, *Edward*, *George* and *Richard*, whereof *Edward* was afterwards King of *England* by the name of *Edward the IV.* *George* was Duke of *Clarence*, and put to death in *Calis* in a butt of *Sack* or *Malmesey*, by the Commandment of the King his Brother; and *Richard* was Duke of *Glocester*, and afterwards King by murdering his own two Nephews, and was called King *Richard the III.*

*Richard Duke of York slain.*

*Edward* the Eldest of these three Brothers, which afterwards was King, had Issue two Sons, *Edward* and *Richard*, both put to death in the *Tower* of *London* by their Cruel Uncle *Richard*: he had also five Daugh-

*Edward Duke of York and King, his Issue.*

Daughters, the last four whereof I do purposely omit, for that of none of them there remaineth any Issue, but the eldest of all, named *Elizabeth*, was married to King *Henry the VI.* of the House of *Lancaster*, and had by him Issue, King *Henry the VIII.* and two Daughters, the one married unto *Scotland*, whereof are descended the King of *Scots*; and *Arabella*, and the other married to *Charles Brandon* Duke of *Sussex*, whereof are issued the Children of the Earls of *Harford* and *Darby*, as after more at large shall be handled, and this is the Issue of the first Brother of the House of *York*.

The Second Brother *George* Duke of *Clarence* had Issue by his Wife Lady *Isabel* Heir to the Earldoms of *Warwick* and *Salisbury*, one Son, named *Edward* Earl of *Warwick*, who was put to death afterwards in his Youth, by King *Henry the VII.* and left no Issue: this Duke *George* had also one Daughter named *Margaret*, admitted by King *Henry the VIII.* (at what time he sent her into *Wales* with Princess *Mary*,) to be Countess of *Salisbury*, but yet married very meanly to a Knight of *Wales*, named Sir *Richard Poole*, by whom she had four Sons, *Henry*, *Arthur*, *Geffrey* and *Reginald*, the last whereof was Cardinal, and the other two *Arthur* and *Geffrey* had Issue, for *Arthur* had two Daughters *Mary* and *Margaret*, *Mary* was married to Sir *John Stanny*, and *Margaret* to Sir *Thomas Fitzherbert*: Sir *Geffrey Poole* had also Issue another *Geffrey Poole*, and he had Issue *Arthur* and *Geffrey* which yet live.

Now then to return to the first Son of the Countess of *Salisbury*, named *Henry*, that was Lord *Montague*, and put to death both he and his mother, by King *Henry the VIII.* This man, I say, left two daughters *Catharine* and *Winefred*: *Catharine* was married to Sir *Francis Hastings* Earl of *Huntington*, by which Marriage issued Sir *Henry Hastings* now Earl of *Huntington*, and Sir *George Hastings* his brother,

The Line  
of the  
Pooles.

The Line of  
the Ha-  
stings.

ther, who hath divers Children. And *Winefred* the younger daughter was married to Sir *Thomas Bar-* The Bar-  
*ington* Knight, who also wanteth not Issue: and ingtons.  
 this is of the second Brother of the House of *York*,  
 to wit, of the Duke of *Clarence*.

The third Brother *Richard* Duke of *Gloucester*, King Ri-  
 and afterward King, left no Issue, so as this is all chard 3.  
 that is needful to be spoken of the House of *York*,  
 in which we see that the first and principal Com-  
 petitor, is the King of *Scots*, and after him *Ara-*  
*bella*,; and the Children of the Earls of *Hertsford*  
 and *Derby* are also Competitors of the same House,  
 as descended by the daughter of the first Brother,  
*Edward* Duke of *York*, and King of *England*; and  
 then the Earl of *Huntington* and his generation, as  
 also the *Pools*, *Barringtons*, and others before na-  
 med, are or may be Titlers of *York*. as descended  
 of *George* Duke of *Clarence*, second Son of *Richard*  
 Duke of *York*; all which Issue yet seem to remain  
 only within the compass of the House of *York*, for  
 that by the former Pedegree of the House of *Lan-*  
*caster*, it seemeth to the favourers of this House,  
 that none of these other Competitors are proper-  
 ly of the Line of *Lancaster*, for that King *Henry*  
 the 7th. coming only of *John* of *Gaunt* by *Catha-*  
*rine Swinford* his third Wife, could have no part in  
*Lady Blanch* that was only Inheritor of that House,  
 as to these men seemeth evident.

Only then it remaineth for the ending of this  
 Chapter, to explain somewhat more clearly the  
 descent of King *Henry* the 7th. and of his Issue. For  
 better understanding whereof, you must consider,  
 that King *Henry* the 7th. being of the House of  
*Lancaster*, in the manner that you have heard, and  
 marrying *Elizabeth* the eldest daughter of the con-  
 trary House of *York*, did seem to joyn both Houses  
 together, and make an end of that bloody con-  
 troversie, though others now will say no: But  
 how-

## A Conference touching Succession

Issue of  
K. Henry  
the 7.

howsoever that was, ( which after shall be examined ) clear it is, that he had by that marriage one only Son, that left Issue, and two daughters; his Son was King *Henry* the 8th. who by three several Wives, had three Children that have reigned after him, to wit, King *Edward* the 6th. by Queen *Jane Seymer*, Queen *Mary* by Queen *Catharine* of Spain, and Queen *Elizabeth* by Queen *Anne Bullen*, of all which three Children no Issue hath remained, so as now we must return to consider the Issue of his daughters.

Issue of the  
Lady Mary  
of Scotland

The eldest daughter of King *Henry* the seventh, named *Margaret*, was married by her first marriage to *James* the fourth King of *Scots*, who had Issue *James* the fifth, and he again Lady *Mary*, late Queen of *Scots*, and Dowager of *France*, put to death not long ago in *England*, who left Issue *James* the sixth, now King of *Scots*. And by her second marriage the said Lady *Margaret*, after the death of King *James* the fourth, took for husband *Archibald Douglas*, Earl of *Angus* in *Scotland*, by whom she had one only daughter named *Margaret*, which was married to *Matthew Steward* Earl of *Lenox*, and by him she had two Sons, to wit, *Henry* Lord *Darby*, and *Charles Steward*; *Henry* married the foresaid Lady *Mary* Queen of *Scotland*, and was murdered in *Edenbrough* in the year 1566. as the World knoweth; and *Charles* his Brother married *Elizabeth* the daughter of Sir *William Candish* in *England*, by whom he had one only daughter yet living, named *Arabella*, another competitor of the Crown of *England*, by the House of *Tork*: and thus much of the first daughter of King *Henry* the seventh. *Mary* the second daughter of King *Henry* the seventh, and younger Sister to King *Henry* the eighth, was married first to *Lewis* the XII. King of *France*, by whom she had no Issue, and afterward to *Charles Brandon* Duke of *Suffolk*, by whom she had

Issue of  
Mary, 2d.  
Sister to  
K. Henry.

had two daughters, to wit, *Frances* and *Eleanor*; the Lady *Frances* was married first to *Henry Gray* Lady Marquess of *Dorset*, and after Duke of *Suffolk*, be-  
 headed by Queen *Mary*, and by him she had three daughters, to wit, *Jane*, *Catharine*, and *Mary*: the Lady *Jane*, eldest of the three, was married to Lord *Guilford Dudley*, Son to *John Dudley* late Duke of *Northumberland*, with whom (I mean with her Husband and Father in Law) she was beheaded soon after for being proclaimed Queen, upon the death of King *Edward* the sixth: the Lady *Catharine* second daughter, married first the Lord *Henry Herbert* Earl of *Pembroke*, and left by him again, she dyed afterward in the *Tower*, where she was prisoner for having had two Children by *Edward Seymer* Earl of *Hertford*, without sufficient proof that she was married unto him, and the two Children are yet living, to wit, *Henry Seymer*, commonly called Lord *Beacham*, and *Edward Seymer* his Brother. The Lady *Mary* the third Sister, though she was betrothed to *Arthur* Lord *Gray* of *Wilton*, and married after to *Martin Keyes* Gentleman-Porter, yet hath she left no Issue, as far as I understand.

Stow, An.  
7 Edw. 6.

This then is the end of the Issue of Lady *Frances*, first of the two daughters of Queen *Mary* of *France*, by *Charles Brandon* Duke of *Suffolk*; for albeit the said Lady *Frances*, after the beheading of the said *Henry* Lord *Gray* Duke of *Suffolk*, her first Husband, married again one *Adrian Stokes* her Servant, and had a Son by him; yet it lived not, but dyed very soon after.

Now then to speak of the younger daughter of the said *French* Queen and Duke, named *Eleanor*, she was married to *Henry Clifford* Earl of *Cumberland*, who had by her a daughter named *Margaret*, that was married to Lord *Henry Stanley* Earl of *Darby*, by whom she hath a plentiful Issue, as *Ferdinand* now Earl of *Darby* *William*, *Stanley*, *Francis Stanley*,

Of Lady  
Eleanor of  
Suffolk.



## A Conference touching Succession

Stanley, and others, and this is all that needeth to be spoken of these descents of our *English* Kings, Princes, Peers or Competitors to the Crown for this place; and therefore now it resteth only that we begin to examine what different pretentions are fram'd by divers Parties, upon these descents and Genealogies, which is the principal point of this our discourse.

## CHAP. IV.

*Of the great and general controversie and contention between the two Houses Royal of Lancaster and York, and which of them may seem to have had the better Right to the Crown, by way of Succession.*

And first of all, before I do descend to treat in particular of the different pretences of several persons and families, that have issued out of these two Royal lineages of *Lancaster* and *York*, it shall perhaps not be amiss, to discuss with some attention, what is, or hath, or may be said, on both sides for the general controversie that lyeth between them, yet undecided in many mens opinions, notwithstanding there hath been so much stir about the same, and not only writing and disputing, but also fighting and murdering for many years. And truly if we look into divers Histories, Records and Authors which have written of this matter, we shall find that every one of them speaking commonly according to the time wherein they lived, for that all such as wrote in the time of the three *Henries* fourth, fifth, and sixth, Kings of the House of *Lancaster*, they make the title of

*Variety of  
Authors  
opinions  
about this  
controversie.*

*Lan-*

*Lancaster* very clear, and undoubted; but such others as wrote since that time (while the House of *York* hath held the Scepter) they have spoken in a far different manner, as namely *Polydor* that wrote in King *Henry* the VIII. his time, and others that have followed him since, to take all right from the House of *Lancaster*, and give the same to the House of *York*; wherefore the best way I suppose will be, not so much to consider what Historiographers do say according to their affections, or Interests, as what reasons and proofs be alledged of every side; for that by this, we shall more easily come to judge where the right or wrong doth lie.

*Polyd.* in  
fine vit.  
*Henr.* 3. &  
initio vit.  
*Henr.* 4. &  
in vit. Ric.  
An. 1386.

First therefore, the defenders of the House of *York* do alledge, that their title is plain and evident, for that as in the former chapter hath been declared, *Richard* Duke of *York* first pretender of this House, whose Father was Son to *Edmond Langley* Duke of *York*, fourth Son of King *Edward* the third, and his Mother *Anne Mortimer* that was Neece once removed, and sole Heir to *Leonel* Duke of *Clarence*, second Son of the said King *Edward*; this *Richard* (I say) Duke of *York* pretended, that for so much as he had two titles joyned together in himself, and was lawful Heir as well to Duke *Leonel* the second Brother, as to Duke *Edmond* the fourth, that he was to be preferred in Succession of the Crown after the death of King *Richard* the second, Heir of the first Son of King *Edward*, before the Issue of *John* of *Gaunt*, that was but third Son to the said King *Edward*; and consequently that *Henry Bolenbrok*, *John* of *Gaunt*'s Son Duke of *Lancaster*, called afterwards King *Henry* the fourth, entred the Crown by tyranny and violence, first for deposing, the true and Lawful King *Richard*, and secondly for taking the Kingdom upon himself, which Kingdom after the death of

*The Allegations of the House of York.*

## A Conference touching Succession

the foresaid King *Richard* (which happened in the year 1399.) belonging to *Edmond Mortimer* Earl of *March*, then living, and after his death to *Anne Mortimer* his Sister, married to *Richard* Earl of *Cambridge* Father to this *Richard* pretendunt Duke of *York*, as hath been said, for that this *Edmond* and *Anne Mortimer* were Children to *Roger Mortimer* Son of *Philip* that was daughter to Duke *Leonel*, which *Leonel* was elder Uncle to King *Richard*, and before *John* of *Gaunt* the younger Brother, whose Son took the Crown upon him.

The story of  
the contro-  
versie be-  
tween Lan-  
caster and  
York.

For the better understanding of which pretence and allegation of the House of *York* against *Lancaster*, we must note the story following, to wit, That King *Edward* the III. seeing in his old age that Prince *Edward* his eldest Son (whom of all his Children he loved most dearly) was dead, (though there wanted not much doubt in some mens heads, as after shall be shewed, who ought to succeed) yet the old man, for the exceeding great affection he bare to the dead Prince, would hear nothing in that behalf, but appointed *Richard*, the said Prince *Edward*'s only Son and Heir, to succeed him in the Kingdom, and made the same to be confirmed by Act of *Parliament*, and enforced all his Children then alive, to swear to the same; which were *John* of *Gaunt*, Duke of *Lancaster*, his third and eldest Son that then lived, (for *Leonel* his second Son, Duke of *Clarence*, was dead before) and *Edmond Langley* and *Thomas Woodstock* Earls at that time, but after Dukes of *York* and *Glocester*; and so King *Richard* Reigned with good obedience of his Uncles and their Children for 20 years together, but in the end when he grew insolent and had put to death his Uncle the Duke of *Glocester*, together with the Earl of *Arundel*, and banished many others of the Nobility, and among them the Archbishop of *Canterbury*, as also his own Cousin-Ger-  
man

man *Henry Duke of Hertford*, and after of *Lancaster*, Son and Heir of *John of Gaunt*, and had made many wicked Statutes as well against the Church and State Ecclesiastical, as also to intangle the Realm and Nobility with fained crimes of Treason against his Regality, as then he termed them, the principal men of the Realm, seeing a fit occasion offered by the Kings absence in *Ireland*, called home out of *France* the foresaid *Henry Duke of Lancaster*, with the Archbishop of *Canterbury*, Earls of *Arundel* and *Warwick*, and others which were in banishment, and by common consent gathered upon the suddain such an Army to assist them in *England*, as they took the King, brought him to *London*, and there in a *Parliament* laying together the intolerable faults of his Government, they deprived him of all Regal Dignity, as before they had done to his great Grandfather *K. Edward the second*, and then by universal consent of the *Parliament* and people there present. they chose and admitted the said *Henry Duke of Lancaster* to be their King, who continued so all the days of his life, and left the Crown unto his Son, and Sons Son, after him, by the space of threescore years, until this *Richard* before named Duke of *York*, made challenge of the same in manner and form as before hath been shewed.

Polyd. in  
vita Rich.  
2. lib. 20.

King Ri-  
chards de-  
position.

Now then the story being thus, the question is first, whether *Richard* the second were justly deposed or no; and secondly, whether after his deposition the House of *York* or House of *Lancaster* should have entred; and thirdly, if the House of *Lancaster* did commit any wrong or injustice at their first entrance to the Crown, yet whether the continuance of so many years in possession, with so many approbations and confirmations thereof by the *Commonwealth*, were not sufficient to legitimate their right.

Chief  
points of  
the contro-  
versie be-  
tween Lan-  
caster and  
York.

## A Conference touching Succession

Three  
poi. t:  
about King  
Richards  
deposition.

Concerning which points many things are al-  
ledged by the favourers of both Families, and in  
the first point touching the lawfulness or unlaw-  
fulness of King *Richards* deposition, three Articles  
especially do seem most considerable, to wit, about  
the thing in it self, whether a lawful King may be  
deposed upon just causes; and secondly, about these  
causes in King *Richards* deposition, to wit, whe-  
ther they were just or sufficient for deposition of  
the said King; and lastly, about the manner of do-  
ing it, whether the same were good and orderly,  
or not.

That a true  
King may  
be deposed.

1. Reason.

And touching the first of these three points,  
which is, that a King upon just causes may be de-  
posed, I think both parties, though never so contra-  
ry between themselves, will easily agree, and the  
Civil Lawyer seems to me to have proved it so evi-  
dently before throughout his whole discourse, as I  
think very little may be said against the same. For  
he hath declared (if you remember) both by rea-  
son, authority, and examples of all Nations Chri-  
stian, that this may, and hath and ought to be done,  
when urgent occasions are offered. And first by  
reason he sheweth it, for that all Kingly authority  
is given them only by the *Commonwealth*, and that  
with this expresse condition, that they shall Go-  
vern according to Law and equity, that this is the  
cause of their exaltation above other men, that  
this is the end of their Government, the butt of  
their authority, the star and pole by which they  
ought to direct their stern, to wit, the good of the  
people; by the weal of their Subjects, by the bene-  
fit of the Realm, which end being taken away or  
perverted, the King becometh a *Tyrant*, a *Tyger*,  
a fierce *Lion*, a ravening *Wolf*, a publick enemy,  
and a bloody murderer, which were against all  
reason both natural and moral, that a *Common-  
wealth* could not deliver it self from so eminent a  
destruction.

By

By authority also you have heard it proved, of <sup>2. Authority.</sup> all Law-makers, Philosophers, Lawyers, Divines, and Governours of *Commonweales*, who have set down in their Statutes and Ordinances, that Kings shall swear and protest at their entrance to Government, that they will observe and perform the conditions there promised, and otherwise to have no Interest in that Dignity, and Sovereignty.

By examples in like manner of all Realms Christian he declared, how that often-times they have <sup>3. Examples.</sup> deposed their Princes for just causes, and that God hath concurred and assisted wonderfully the same, sending them commonly very good Kings after those that were deprived, and in no Country more then in *England* it self, yea in the very Line and Family of this King *Richard*, whose Noble Grandfather King *Edward* the third, was exalted to the Crown by a most solemn deposition of his predecessor King *Edward* the second, wherefore in this point there can be little controversie, and therefore we shall pass unto the second, which is, whether the causes were good and just for which this King *Richard* was esteemed worthy to be deposed:

And in this second point much more difference <sup>Whether the causes were sufficient of King Richards deposition.</sup> there is betwixt *Tork* and *Lancaster*, and between the white Rose and the Red, for that the House of *Tork* seeking to make the other odious, as though they had entred by tyranny and cruelty, doth not stick to avouch, that King *Richard* was unjustly deposed; but against this the House of *Lancaster* alledgeth, first, that the House of *Tork* cannot justly say this, for that the chief Prince assistant to the deposing of King *Richard*, was Lord *Edmond* himself Duke of *Tork*, and head of that family, together with *Edward* Earl of *Rutland* and Duke of *Aumarl*, his eldest Son and Heir, yea and his

The House  
of York  
chief doer  
in deposing  
K. Rich.

Polyd. Hist.  
Angl. l. 20.

Addit. ad  
Polycroni-  
con.

younger Son also *Richard* Earl of *Cambridge*, Fa-  
ther to this *Richard* that now pretendeth, for so do  
write both *Stow*, *Hollingshead* and other Chroniclers  
of *England*, that those Princes of the House of  
*York*, did principally assist *Henry* Duke of *Lancaster*  
in getting the Crown, and deposing King *Richard*,  
and *Polidor* speaking of the wicked Government  
of King *Richard*, and of the first Cogitation about  
deposing him when King *Henry* of *Lancaster* was  
yet in *France*, banished, and seemed not to think  
of any such matter, he hath these words. *Sed*  
*Edmundo Eboracensium duci, ea res cum primis bi-*  
*lem commovit, quod Rex omnia jam jura perverteret,*  
*quod antea parricidio, & postea rapinis se obstrinx-*  
*isset, &c.* That is, 'this matter of the wicked Go-  
'vernment of King *Richard*, did principally offend  
'his Uncle *Edmoud* Duke of *York*, for that he saw  
'the King now to pervert all Law and Equity, and  
'that as before he had defiled himself with Parri-  
'cide, that is, with the murder of his own Uncle  
'the Duke of *Glocester*, Brother to this *Edmond*,  
'so now he intrangled himself also with Rapine, in  
'that he took by violence the Goods and Inheri-  
'tance of *John* of *Gaunt*, late deceased, which  
'did belong to *Henry* Duke of *Lancaster*, his Cousin-  
'German: By which words of *Polidor*, as also for  
that the Duke of *Lancaster* coming out of *Britany*  
accompanied only with threescore persons, (as  
some stories say) chose first to go into *York* shire  
and to enter at *Ravenspur* at the mouth of *Humber*,  
as all the World knoweth (which he would never  
have done if the Princes of *York* had not princi-  
pally favoured him in that action) all this, I say,  
is an evident argument that these Princes of the  
House of *York* were then the chief doers in this de-  
position, and consequently cannot alledge now  
with reason that the said *Richard* was deposed un-  
justly.

Secondly,

Secondly, the House of *Lancaster* alledgeth for the justifying of this deposition, the opinions of all *Testimony of Stories.* Historiographers, that ever have written of this matter, whether they be *English, French, Dutch, Latine*, or of any other Nation or Language, who all with one accord do affirm, that King *Richards* Government was intolerable, and he worthy of deposition, whereof he that will see more let him read *Thomas of Walsingham*, and *John Frofard* in the life of King *Richard*.

Thirdly, they of *Lancaster* do alledge, the particular outrages and insolencies of King *Richards* Government; and first, the suffering himself to be carried away with evil counsel of his favorites, and then the perverting of all Laws generally under his Government, as before you have heard out of *Polidor*; the joyning with his Minions for oppressing the Nobility, of which *Stow* hath these words: *The King being at Bristow with Robert de Vere Duke of Ireland, and Michael de la Pole Earl of Suffolk, devised how to take away the Duke of Gloucester, the Earls of Arundel, Warwick, Darby and Nottingham, and others whose deaths they conspired: Thus saith Stow.* And after they executed the most part of their devices, for that *Thomas of Woodstock Duke of Gloucester*, was made away without Law or Process, the Earl of *Arundel* also was put to death, and *Warwick* was banished, and so was also *Thomas Arundel* Archbishop of *Canterbury*, by like Injustice, and the like was done to *Henry Duke of Hertford*, and after of *Lancaster*, and among other insolencies he suffered *Robert Vere* to dishonour and put from him his Wife, a Noble and goodly young Lady (as *Stow* saith) and born of Lady *Isabella King Richards* Aunt, that was daughter to King *Edward* the third, and suffered *Vere* to marry another openly to her disgrace, and dishonour of her Kindred. And finally, in the last Parliament

*The evil government of K. Rich.*

*Stow in vit Rich. 2. pag. 502. regni 11.*

*A great insolency.*



## A Conference touching Succession

that ever he held, which was in the 21. year of his Reign, commonly called *the Evil Parliament*, he would needs have all authority absolute granted to certain favourites of his, which *Thomas Walsingham* saith were not above 6 or 7. to determine of all matters with all full authority, as if they only had been the whole Realm, which was nothing indeed but to take all authority to himself only; and *Stow* in his *Chronicle* hath these words following. *This Parliament began about the 15. of Sept. in the year 1397. at the beginning whereof, Edward Stafford Bishop of Exeter Lord Chancellor of England made a proposition or Sermon, in which he affirmed that the power of the King, was alone, and perfect of it self, and those that do impeach it were worthy to suffer pain of the Law, &c.* thus saith *Stow*, by all which is evident, how exorbitant and contrary to all Law and Equity this Kings Government was.

*The evil Parliament, Stow an. 21 regni Rich.*

*The Duke of Lancaster called by common request.*

*Froford. Walsingham.*

Fourthly and lastly, those of *Lancaster* do alledge for justifying of this deprivation, that Duke *Henry* was called home by express Letters of the more and better part of all the Realm, and that he came wholly (in a manner) unarmed considering his person, for that *Froford* saith he had but three Ships only out of *Britany*, and *Walsingham* saith he had but 15. Lances and 400. foot-men, and the additions to *Policronicon*, as before I noted, do avouch, that when he landed at *Ravensthorpe* in the County of *York*, he had but threescore men in all to begin the Reformation of his Realm against so potent a Tyrant, as King *Richard* was then accounted, and yet was the concurrence of all people so great and general unto him, that within few days he achieved the matter, and that without any battle or blood-shed at all: and thus much for the justness of the cause.

But now if we will consider the manner and form

form of this act, they of *Lancaster* do affirm also, that it could not be executed in better nor more convenient order. First, for that it was done by the choice and invitation of all the Realm, or greater and better part thereof, as hath been said. Secondly, for that it was done without slaughter; and thirdly, for that the King was deposed by Act of *Parliament*, and himself convinced of his unworthy Government, and brought to confess that he was worthily deprived, and that he willingly and freely resigned the same: neither can there be any more circumstances required (say these men) for any lawful deposition of a Prince.

And if any man will yet object and say, that notwithstanding all this there was violence, for that Duke *Henry* was Armed, and by force of Arms brought this to pass; they of *Lancaster* do answer, that this is true, that he brought the matter to an end by Forces, for that an evil King cannot be removed but by force of Arms, if we expect the ordinary way of remedy left by God unto the *Commonwealths*; for seeing that a Tyrannical or obstinate evil Prince, is an Armed enemy with his feet set on the Realms head, certain it is, that he cannot be driven nor plucked from thence, nor brought in order, but by force of Arms. And if you say that God may remedy the matter otherwise, and take him away by sickness, and other such means, it is answered, that God will not always bind himself to work Miracles, or to use extraordinary means in bringing those things to pass, which he hath left in the hands of men, and of *Commonwealths* to effectuate, by ordinary way of Wisdom and Justice. As for example, it were an easie thing (say these men) for God Almighty also when any wicked man breaketh his Law, by theft, murder, or the like, to punish him immediately by death, or otherwise himself, and yet he will not

*Whether  
the manner  
of deposing  
K. Richard  
were good.*

*Arms ne-  
cessary for  
removing  
an evil  
Prince.*

so do, but will have the Realm to punish him, and that by force of Arms also, if otherwise it cannot be done, and this as well for example, and terror of others, as also to let men understand that God hath left power upon Earth to do Justice in his name, when need requireth.

Examples  
of Kings  
punished  
by external  
Forces.

King Eglon  
slain in his  
Chamber.  
Judg. 3.

Saul put  
down by  
violence.

1 Chr. 10.  
vers. 9.

And for particular president of punishing of evil Princes. in like manner by force and violence, when other means will not serve, these men say, that besides all the great multitude of examples alledged before by the Lawyer, in his fourth Chapter, about evil Kings deposed, there is great variety of several manners how the same hath been done, by God's own Ordinance, recounted in Holy Writ; as first, when the Scripture saith in the Books of *Judges*, that *God* was stirred up by God to kill *Eglon* King of the *Moabites*, that prosecuted the people of *Israel*, and the manner was to feign a secret Embassage, or message unto him, and so to slay him in his Chamber, as he did, and God delivered his people by that means, and chose this particular way, whereas none will deny but that he might have done it by many other means less odious to the World then this was, that seemed so cruel and full of Treason.

Again they shew, that when God had rejected King *Saul* for his wickedness, and determined to depose him, he chose to do it by raising of *David* against him, and by defending and assisting *David* both in Arms and otherwise divers years against *Saul*, and in the end raised the *Philistians* also against him, who after divers battels cut off his head, and carried it up and down the Country upon a pole, and presented it in all the Temples of their Idols, and in the end left it pitched up in the Temple of *Dagon*; all which God might have spared, and have taken him away quietly without bloudshed, if he would, but he chose this second way.

In

In like manner when he would punish King *Rehoboam* for the sins of *Solomon* his Father, and yet spare him also in part for the sake of his Grandfather *David*, he caused a Rebellion to be raised against him by *Jeroboam* his Servant, and more then three parts of four of his people, to rebel against him, and this by God's own instinct and motion, and by his express allowance thereof after it was done, as the Scripture avoucheth, and if *Rehoboam* had fought against them, for this fault, (as once he had thought to do, and was prepared with a main Army) no doubt but they might have lawfully slain him, for that now these ten Tribes that forsook him, had just authority to depose him for his evil Government, and for not yielding to their just request made unto him, for easing them of those grievous Tributes laid upon them, as the Scripture reporteth. For albeit God had a meaning to punish him, for the sins of his Father *Solomon*, yet suffered he that *Rehoboam* also should give just occasion himself for the people to leave him, as appeareth by the story; and this is God's high Wisdom, Justice, Providence, and sweet disposition in humane affairs.

*Rehoboam  
deposed by  
his Subjects  
of ten  
Tribes.*

2 Reg. 11.  
& 12.

2 Paralip.  
cap. 10.

Another example of punishing and deposing evil Princes by force, they do alledge out of the first Book of *Kings*, where God appointed *Elizeu* the Prophet, to send the Son of another Prophet to anoint *Jehu*, Captain of *Joram*, King of *Israel*, which *Joram* was Son to the Queen *Jezabel*, and to perswade *Jehu* to take Arms against his said King, and against his mother the Queen, and to deprive them both, not only of their Kingdoms, but also of their lives; and so he did, for the Scripture saith, *Conjuravit ergo Jehu contra Joram, Jehu* did conjure and conspire at the perswasion of this Prophet, with the rest of his fellow Captains, against his King *Joram*, and Queen *Jezabel* the Kings Mother,

*Joram and  
his Mother  
Jezabel de-  
posed by  
force.*

4 Reg. 2.

Mother, to put them down, and to put them to death with all the ignominy he could devise, and God allowed thereof, and perswaded the same by so holy a Prophet as *Elizeus* was, whereby we may assure our selves that the fact was not only lawful, but also most Godly, albeit in it self it might seem abominable.

*Athalia deprived by force.*

4 Reg. 11.

And in the same book of *Kings*, within two chapters after, there is another example how God moved *Jehoiadah* High-priest of *Jerusalem* to perswade the Captains and Colonels of that City to conspire against *Athalia* the Queen, that had Reigned 6. years, and to Arm themselves with the Armor of the Temple, for that purpose, and to besiege the Palace where she lay, and to kill all them that should offer or go about to defend her; and so they did, and having taken her alive, she was put to death also by sentence of the said High-priest, and the fact was allowed by God, and highly commended in the Scripture, and *Joas* young King of the bloud Royal was Crowned in her place; and all this might have been done as you see without such trouble of Arms, and bloud-shed, if God would, but he appointed these several means for working of his will, and for relieving of *Commonwealths* oppressed by evil Princes. And this seemeth sufficient proof to these men, that King *Richard* of *England* might be removed by force of Arms, his life and Government being so evil and pernicious, as before hath been shewed.

*Whether Lancaster or York should have entered after K. Rich.*

It remaineth then that we pass to the second principal point proposed in the beginning, which was, that supposing this deprivation of King *Richard* was just and lawful, what House by right should have succeeded him, either that of *Lancaster* as it did, or the other of *York*.

And first of all it is to be understood, that at that very time when King *Richard* was deposed, the house

house of *York* had no pretence, or little at all to the Crown, for that *Edmond Mortimer* Earl of *March*, Nephew to the Lady *Philippa*, was then alive, with his Sister *Anne Mortimer* married to *Richard* Earl of *Cambridge*, by which *Anne* the House of *York* did after make their claim, but could not do so yet, for that the said *Edmond* her Brother was living, and so continued many years after, as appeareth, for that we read that he was alive 16. years after this, to wit, in the third year of the Reign of K. *Henry* the 5th. when his said Brother in Law *Richard* Earl of *Cambridge* was put to death in *Southampton*, whom this *Edmond* appeached, as after shall be shewed; and that this *Edmond* was now Earl of *March* when K. *Richard* was deposed, and not his Father *Roger* (as *Polidor* mistaketh) is evident, by that that the said *Roger* was slain in *Ireland*, a little before the deposition of King *Richard*, to wit, in the year 1398. and not many months after he had been declared Heir apparent by King *Richard*, and *Rogers* Father named *Edmond* also, Husband of the Lady *Philippa*, dyed some three years before him, that is, before *Roger*, as after will be seen; so as seeing that at the deposition of King *Richard*, this *Edmond Mortimer* elder Brother to *Anne* was yet living, the question cannot be whether the House of *York* should have entred to the Crown presently after the deprivation of King *Richard*, for they had yet no pretence, as hath been shewed, but whether this *Edmond Mortimer*, as Heir of *Leonel* Duke of *Clarence*, or else *Henry* Duke of *Lancaster*, Heir of *John* of *Gaunt* should have entred: For as for the House of *York* there was yet no question, as appeareth also by *Stow* in his Chronicle, who seteth down how that after the said deposition of *Richard*, the Archbishop of *Canterbury* asked the people three times, whom they would have to be their

*Polydor*  
l. 20. in  
vit. *Rich.*

*Stow* in  
vita *Richardi* 2.

King,

King, whether the Duke of *York* there standing present, or not, and they answered no: and then he asked the second time, if they would have his eldest Son, the Duke of *Aumarl*, and they said no: he asked the third time, if they would have his youngest Son, *Richard* Earl of *Cambridge*, and they said no: Thus writeth *Stow*. Whereby it is evident, that albeit this Earl of *Cambridge* had married now the Sister of *Edmond Mortimer*, by whom his posterity claimed afterward, yet could he not pretend at this time, her Brother being yet alive, who after dying without Issue, left all his right to her, and by her to the House of *York*: for albeit this Earl *Richard* never came to be Duke of *York*, for that he was beheaded by King *Henry* the fifth at *Southampton* as before hath been said, while his elder Brother was a live, yet left he a Son named *Richard*, that after him came to be Duke of *York*, by the death of his Uncle *Edmond* Duke of *York* that dyed without Issue, as on the other side also by his Mother *Ann Mortimer*, he was Earl of *March*, and was the first of the House of *York* that made title to the Crown.

Whether  
the Earl of  
March, or  
Duke of  
Lancaster  
should  
have suc-  
ceeded to  
K. Rich.

So that the question now is, whether after the deposition of King *Richard*, *Edmond Mortimer*, Nephew removed of *Leonel* (which *Leonel* was the second Son to King *Edward*) or else *Henry* Duke of *Lancaster*, Son to *John* of *Gaunt* (which *John* was third Son to King *Edward*) should by right have succeeded to King *Richard*; and for *Edmond* is alledged, that he was Heir of the elder Brother; and of *Henry* is said, that he was nearer by two degrees to the Stem or last King, that is to say, to King *Richard* deposed; then *Edmond* was, for that *Henry* was Son to King *Richards* Uncle of *Lancaster*, and *Edmond* was but Nephew removed, that is to say, Daughters Sons Son, to the said King *Richards* other Uncle of *York*. And that in  
such

such a case, the next in degree of consanguinity, to the last King, is to be preferred (though he be not of the elder Line) the favourers of *Lancaster* alledge many proofs, whereof some shall be touched a little after: and we have seen the same practised in our days in *France*, where the *Cardinal of Bourbon* by the Judgment of the most part of that Realm, was preferred to the Crown for his propinquity in blood to the dead King, before the King of *Navarre*, though he were of the elder Line.

Moreover it is alledged for *Henry*, that his title came by a man, and the others by a woman, which is not so much favoured either by Nature, Law or Reason, and so they say that the pretenders of this title of Lady *Philippa* that was daughter of Duke *Leonel*, never opened their mouths in those days to claim, until some 50. years after the deposition and death of King *Richard*. Nay moreover they of *Lancaster* say, that sixteen years after the deposition of King *Richard*, when King *Henry* the fifth was now in possession of the Crown, certain Noblemen, and especially *Richard* Earl of *Cambridge*, that had married this *Edmond Mortimers* Sister, offered to have slain King *Henry* and to have made the said *Edmond Mortimer* King. for that he was descended of Duke *Leonel*, but he refused the matter, thinking it not to be according to equity, and so went and discovered the whole Treason to the King; whereupon they were all put to death in *Southampton*, within four or five days after, as before hath been noted, and this happened in the year 1415. and from henceforward until the year 1451. and thirtieth of the Reign of King *Henry* the sixth, which was 36. years after the Execution done upon these Conspirators, no more mention or pretence was made of this matter, at what time *Richard* Duke of *York* began to move troubles about it again:

The Title of  
York is by  
a Woman.

Stow in  
vit. Hen. 5.  
an. 3. regn.

The Earl of  
Cam-  
bridge ex-  
ecuted for  
Conspiracy.

Thus



An objection  
for York  
that Ed-  
mond Mor-  
timer was  
declared  
Heir appa-  
rent.

Polyd. l. 20  
& Stow in  
vit. Rich. 2.  
an. 1385.

Thus say those of the House of *Lancaster*: but now these of *York* have a great argument for themselves, as to them it seemeth, which is, that in the year of Christ 1385. and 9th. year of the reign of King *Richard* the second, it was declared by Act of Parliament, ( as *Polydor* writeth ) that *Edmond Mortimer*, who had married *Philippa* daughter and Heir of *Leonel* Duke of *Clarence*, and was Grandfather to the last *Edmond* by me named, should be Heir apparent to the Crown, if the King should chance to die without Issue.

Hollingsh.  
in vit.  
Rich 2.  
p. 1038.  
Stow an.  
1382.

To which objection those of *Lancaster* do answer, first, that *Polydor* doth erre in the person, when he saith that *Edmond* Husband of Lady *Philippa*, was declared for Heir apparent; for that this *Edmond Mortimer* that married Lady *Philippa*, died peaceably in *Ireland* three years before this Parliament was holden, to wit, in the year of Christ 1382. as both *Hollingshed*, *Stow*, and other Chroniclers do testifie; and therefore *Polydor* doth erre not only in this place about this man, but also in that in another place he saith, that this *Edmond* so declared Heir apparent by King *Richard*, was slain by the *Irish* in *Ireland* 12 years after this declaration made of the succession, to wit, in the year 1394. which was indeed not this man, but his Son *Roger Mortimer*, Heir to him, and to the Lady *Philippa* his Wife, who was declared Heir apparent in the Parliament aforesaid, at the instance of King *Richard*, and that for especial hatred and malice ( as these men say ) which he did bear against his said Uncle the Duke of *Lancaster*, and his Son *Henry*, whom he desired to exclude from the succession.

The cause  
of hatred  
between

K. Richard  
and the  
House of  
*Lancaster*.

The cause of this hatred, is said to be, for that presently upon the death of Prince *Edward*, Father to this *Richard*, ( which Prince died in the year of Christ 1376. and but 10. months before his

his Father King *Edward* the third ) there wanted not divers learned and wise men in *England*, that were of opinion that *John* of *Gaunt* Duke of *Lancaster*, eldest Son then living of the said King *Edward*, should have succeeded his Father, *jure propinquitatis*, before *Richard* that was but Nephew, and one degree further off then he: but the old King was so extremely affectionate unto his eldest Son, the black Prince *Edward*, newly dead, that he would not hear of any to succeed him (as *Fre-* John Fro-  
*Jard* saith ) but only *Richard* the said Prince's Son. fard in  
 Wherefore he called presently a Parliament, which *Hister*.  
 was the last that ever he held, and therein caused his said Nephew *Richard* to be declared Heir apparent, and made his three Sons then living, that were Uncles to the Youth, ( to wit, *John* of *Gaunt* Duke of *Lancaster*, *Edmond Langley* Duke afterwards of *York*, and *Thomas Woodstock* Duke of *Gloucester* ) to swear Fealty unto *Richard*, as they did. And albeit *John* of *Gaunt* all his life after, for keeping of his Oath that he had made unto his Father, never pretended any Right to the Crown, yet King *Richard* knowing well the pretence that he and his might have, was still afraid of him, and sought infinite means to be rid of him, first by perswading him to go and make War in *Spain*, Polydor.  
 where he thought he might miscarry in so dangerous an attempt; and then offering to give him Hollingst.  
 all *Aquitain*, if he would leave *England* to go and live there, as he did for three years, with extreme peril, for that the people of *Aquitain* would not receive him, but rose against him, and refused his Government, and would not admit him for their Lord, but appealed to the King, who also allowed thereof, and so when *John* of *Gaunt* came home into *England* again, King *Richard* thought no better way to weaken him, then to banish his Son *Stow in*  
*Henry* Duke of *Hertford*, and so he did. And besides *Rich.*  
 R fides

Walsingh.  
in vit.  
Richar. 2.  
p. 341. &  
344.  
John Fro-  
lard in vit.  
Henrici.

sides this, the said King *Richard* practised also by divers secret drifts, the death of his said Uncle the Duke of *Lancaster*, as *Walsingham* witnesseth; and when the said Duke came at length to die, which was in the 22. year of King *Richard's* reign, he wrote such joyous Letters thereof (as *Froford* saith) to his Father-in-law *Charles* the sixth King of *France*, as though he had been delivered of his chiefest Enemy, not imagining that his own destruction was so near at hand, and much accelerated by the death of the said Duke, as it was.

W. Roger  
Mortimer  
was declar-  
ed Heir  
apparent.

And these were the causes, say the favourers of the House of *Lancaster*, why King *Richard* caused this Act of Parliament to pass in favour of *Roger Mortimer*, and in prejudice of the House of *Lancaster*, and not for that the right of Earl *Mortimer*, was better then that of the Duke of *Lancaster*. And this they say is no new thing, for Princes oftentimes to procure partial Laws to pass in Parliament, for matter of Succession, according to their own affections; for the like (say they) did *Edward* the third procure in the favour of this *Richard*, as before I have shewed, in the last Parliament before his death; and afterward again King *Richard* the third, with much more open injustice, caused an Act of Parliament to pass in his days, whereby his Nephew *John de la Pole* Earl of *Lincoln*, Son to his Sister *Elizabeth* Dutches of *Bedford*, was declared Heir apparent to the Crown, excluding thereby the Children of his two elder Brothers, to wit, the daughters of King *Edward* the fourth, and the Son and daughter of *George* Duke of *Clarence*, which yet by all order should have gone before their Sisters Children.

Hollingsh.  
in vit.  
Richar. 3.  
p. 1496.  
Edwar. 6.  
p. 1715.

And like facility found King *Henry* the 8th. to get the consent of two Parliaments, to give him Authority to appoint what Successor he would, of his own Kindred; by which Authority afterward

he

he appointed by his Testament (as in another place shall be shewed) that the Issue of his younger Sister *Mary*, should be preferred before the Issue of his eldest Sister *Margaret of Scotland*.

A like declaration was that also, of King *Edward* the sixth, of late memory, who appointed, the Lady *Jane Gray* his Cousen-german removed, to be his Heir and Successor in the Crown of *England*, and excluded his own two Sisters, the Lady *Mary* and the Lady *Elizabeth* from the same: but these declarations make little to the purpose, when right and equity do repugn, as these men say that it did, in the foresaid declaration of *Roger Mortimer*, to be Heir apparent; for that they hold and avouch the House of *Lancaster*, to have had the true right to enter, not only after the death of King *Richard* the second (as it did) but also before him, that is to say, immediately upon the death of King *Edward* the third, for that *John* of *Gaunt* was then the eldest Son, which King *Edward* had living, and nearer to his Father by a degree, then was *Richard* the Nephew. About which point, to wit, whether the Uncle or Nephew should be preferred in Succession of Kingdoms, it seemeth that in this age of King *Edward* the third there was great trouble, and controversie in the World abroad, for so testifieth *Girard du Haillan* Councillor and Secretary of *France*, in his History of the year of *Christ* 1346, which was about the midst of King *Edward*'s Reign, and therefore no marvel though King *Edward* took such care of the sure establishing of his Nephew *Richard* in Succession, as is before related. And much less marvel is it if *K. Richard* had still great jealousie of his Uncle the Duke of *Lancaster*, and of his off-spring, considering how doubtful the question was among the Wise and Learned of those days. For more declaration whereof I think it not amiss to alledge the very words of the fore-

*The declaration of K. Edw. 6. in favour of the Lady Jane Gray.*

*Girard du Haillan l. 15. his Franc. initio.*

saied Chronicler, with the examples by him recired: thus then he writeth.

*Whether*

*Uncles or*

*Nephews*

*be preferred*

*in suc-*

*cession.*

‘About this time (saith he) there did arise a great  
‘and doubtful question in the World, whether Un-  
‘cles or Nephews, that is to say, the younger Bro-  
‘ther, or else the Children of the elder, should  
‘Succeed unto Realms and Kingdoms, which con-  
‘troversie put all Christianity into great broils and  
‘troubles; for first, *Charles* the second King of *Na-*  
‘*plis* begat of *Mary* his Wife, Queen and Heir of  
‘*Hungary*, divers Children, but namely three Sons,  
‘*Marcel*, *Robert*, and *Philip*; *Marcel* dying before  
‘his Father, left a Son named *Charles*, which in  
‘his Grand-mothers right was King also of *Hunga-*  
‘*ry*; but about the Kingdom of *Naples* the que-  
‘stion was, when King *Charles* was dead, who  
‘should Succeed him, either *Charles* his Nephew  
‘King of *Hungary*, or *Robert* his second Son; but  
‘*Robert* was preferred, and Reigned in *Naples*, and  
‘enjoyed the Earldom of *Provençe* in *France* also,  
‘for the space of 33. years, with great renown of  
‘Valor and Wisdom. And this is own example that  
‘*Girard* recounteth, which example is reported  
‘by the famous Lawyer *Bartholus* in his Commen-  
‘taries, touching the Succession of the Kingdom of  
‘*Cicilia*, and he saith, that this Succession of the  
‘Uncle before the Nephew, was averred also for  
‘rightful by the Learned of that time, and con-  
‘firmed for just by the judicial sentence of *Pope*  
‘*Boniface*, and that for the reasons which afterward  
‘shall be shewed, when we shall treat of this que-  
‘stion more in particular.

*Barthol.*

*in autent.*

*Post item.*

*C. de suis,*

*& leg. hæ-*

*red.*

*The second  
example of  
the Uncle.*

Another example also reporteth *Girard*, which  
ensued immediately after, in the same place, for  
that the foresaid King *Robert*, having a Son named  
*Charles*, which died before him, he left a daugh-  
ter and Heir named *Joan*, Neece unto King *Ro-*  
*bert*, which *Joan* was married to *Andrew* the  
younger

younger Son of the foresaid *Charles* King of *Hungary*; but King *Robert* being dead, there stept up one *Lewis* Prince of *Taranto*, a place of the same Kingdom of *Naples*, who was Son to *Philip* before mentioned, younger Brother to King *Robert*, which *Lewis* pretending his right to be better then that of *Joan*, for that he was a man, and one degree nearer to King *Charles* his Grand-father then *Joan* was, (for that he was Nephew, and she Niece once removed) he prevailed in like manner; and thus far *Girard* Historiographer of *France*.

And no doubt but if we consider examples, that fell out even in this very age only, concerning this controversie between the Uncle and Nephew, we shall find store of them: for in *Spain* not long before this time, to wit, in the year of *Christ* 1276. was that great and famous determination made by *Don Alonso* the wise, eleventh King of that name, and of all his Realm and Nobility in their Courts or *Parliament* of *Segovia*, mentioned before by the *Civilian*; wherein they disinherited the Children of the Prince *Don Alonso de la Cerda* that died (as our Prince *Edward* did) before his Father, and made Heir apparent *Don Sancho Bravo* younger Brother to the said *Don Alonso*, and Uncle to his Children, the two young *Cerda's*. Which sentence standeth even unto this day, and King *Philip* enjoyed the Crown of *Spain* thereby, and the Dukes of *Medina Celi*, and their race that are descendants of the said two *Cerda's*, which were put back, are Subjects by that sentence, and not Sovereigns, as all the World knoweth.

The like controversie fell out but very little after, to wit, in the time of King *Edward* the third in *France*, though not about the Kingdom, but about the Earldom of *Artoys*, but yet it was decided by a solemn sentence of two Kings of *France*, and of the whole *Parliament* of *Paris*, in favour

*An example of the Uncle before the Nephew in Spain.*  
Garibay  
l. 13. c. 14.  
an. 1276.

*Another example in France and Flanders.*

## A Conference touching Succession

of the Aunt against her Nephew, which albeit it cost great troubles: yet was it defended, and King *Philip* of *Spain* holdeth the County of *Artoys* by it at this day. *Polydor* reporteth the story in this manner.

*Polydor.*

l. 15. in

vit. Edw. 3.

*Robert* Earl of *Artoys*, a man famous for his Chivalry, had two Children, *Philip* a Son, and *Maude* a daughter, this *Maude* was married to *Otho* Earl of *Burgundy*; and *Philip* dying before his Father, left a Son named *Robert* the second, whose Father *Robert* the first being dead, the question was who should Succeed, either *Maude* the daughter, or *Robert* the Nephew, and the matter being remitted unto *Philip le Bel* King of *France*, as chief Lord at that time of that State, he adjudged it to *Maude*, as to the next in blood; but when *Robert* repined at this sentence, the matter was referred to the *Parliament* of *Paris*, which confirmed the sentence of King *Philip*; whereupon *Robert* making his way with *Philip de Valoys*, that soon after came to be King of *France*, he assisted the said *Philip* earnestly to bring him to the Crown, against King *Edward* of *England* that opposed himself thereunto, and by this hoped that King *Philip* would have revoked the same sentence; but he being once established in the Crown, answered, that a sentence of such importance, and so maturely given, could not be revoked. Whereupon the said *Robert* fled to the King of *Englands* part against *France*. Thus far *Polydor*.

Another

example of

Britany.

The very like sentence recounteth the same Author to have been given in *England* at the same time, and in the same controversie, of the Uncle against the Nephew, for the Succession to the Dukedom of *Britany*, as before I have related, wherein *John Breno* Earl of *Monford*, was preferred before the daughter and Heir of his elder Brother *Guy*, though he were but of the half blood to the

last

last Duke, and she of the whole. For that *John* the third Duke of *Britany*, had two Brothers, first *Guy* of the whole blood, by Father and Mother, and then *John Breno* his younger Brother by the Fathers side only. *Guy* dying, left a daughter and Heir named *Jane*, married to the Earl of *Blois*, Nephew to the King of *France*, who after the death of Duke *John* pretended in the right of his Wife, as daughter and Heir to *Guy* the elder Brother: but King *Edward* the third with the State of *England*, gave sentence for *John Breno*, Earl of *Monford* her Uncle, as for him that was next in consanguinity to the dead Duke, and with their Arms the State of *England* did put him in possession, who slew the Earl of *Blois* as before hath been declared, and thereby got possession of that Realm, and held it ever after, and so do his Heirs at this day. Supra c. 2.

And not long before this again, the like resolution prevailed in *Scotland*, between the House of *Balliol* and *Bruse*, who were competitors to that Crown, by this occasion that now I will declare. *William* King of *Scots* had Issue two Sons, *Alexander* that Succeeded in the Crown, and *David* Earl of *Huntington*: *Alexander* had Issue another *Alexander*, and a daughter married to the King of *Norway*, all which Issue and Line ended about the year 1290. *David* younger Brother to King *William*, had Issue two daughters, *Margaret* and *Isabel*, *Margaret* was married to *Alain* Earl of *Galloway*, and had Issue by him a daughter that married *John Balliol* Lord of *Harcourt* in *Normandy*, who had Issue by her this *John Balliol* Founder of *Balliol* Colledge in *Oxford*, that now pretended to the Crown, as descended from the eldest daughter of *David* in the third descent. Another example in Scotland.  
  
The contention of the Houses of Balliol and Bruse in Scotl.

*Isabel* the second daughter of *David*, was married to *Robert Bruse*, Earl of *Cleveland* in *England*, who had Issue by her this *Robert Bruse*, Earl of *Ca-*



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*rick*, the other competitor. Now then the question between these two competitors was, which of them should Succeed, either *John Balliol* that was Nephew to the elder daughter, or *Robert Bruce* that was Son to the younger daughter, and so one degree more near to the Stock or Stem then the other. And albeit King *Edward* the first of *England*, whose power was dreadful at that day in *Scotland*, having the matter referred to his arbitrement, gave sentence for *John Balliol*, and *Robert Bruce* obeyed for the time, in respect partly of fear, and partly of his Oath that he had made to stand to that Judgment: yet was that sentence held to be unjust in *Scotland*, and so was the Crown restor'd afterward to *Robert Bruce* his Son, and his posterity doth hold it unto this day.

Examples  
in Eng-  
land.

In *England* also it self, they alledge the examples of *K. Henry* the first, preferred before his Nephew *William*, Son and Heir to his elder Brother *Robert*; as also the example of *K. John*, preferred before his Nephew *Arthur*, Duke of *Britany*, for that King *Henry* the second had four Sons, *Henry*, *Richard*, *Geffery*, and *John*; *Henry* died before his Father without Issue, *Richard* Reigned after him, and died also without Issue: *Geffery* also died before his Father, but left a Son named *Arthur* Duke of *Britany*, by right of his Mother. But after the death of King *Richard*, the question was who should Succeed, to wit, either *Arthur* the Nephew, or *John* the Uncle, but the matter in *England* was soon desided: for that *John* the Ucle was preferred before the Nephew *Arthur*, by reason he was more near to his Brother dead, by a degree then was *Arthur*: And albeit the King of *France* and some other Princes abroad opposed themselves for stomach against this Succession of King *John*, yet say these favourers of the House of *Lancaster*, that the *English* inclined still to acknowledge

ledge and admit his right, before his Nephew, and so they proclaimed this King *John* for King of *England*, while he was yet in *Normandy*, I mean *Hubert* Archbishop of *Canterbury*, *Eleanor* the Queen this Mother, *Geffery Fitz-peter* chief Judge of *England* (who knew also what law meant therein) and others the Nobles and Barons of the Realm, without making any doubt or scruple of his title to the Succession.

Hollingsh.  
in vit. Re-  
gis Johan-  
nis, p. 142.

And whereas those of the House of *Tork* do alledge, that King *Richard* in his life time, when he was to go to the holy Land, caused his Nephew *Arthur* to be declared Heir apparent to the Crown, and thereby did shew that his title was the better; they of *Lancaster* do answer, first, that this declaration of King *Richard*, was not made by act of *Parliament* of *England*, for that King *Richard* was in *Normandy* when he made this declaration, as plainly appeareth both by *Polidor* and *Hollingshed*. Secondly, that this declaration was made the sooner by King *Richard* at that time, thereby to repress and keep down the ambitious humor of his Brother *John*, whom he feared least in his absence, if he had been declared for Heir apparent, might invade the Crown, as indeed without that, he was like to have done, as may appear by that which happened in his said Brothers absence,

How Ar-  
thur Duke  
of Britany  
was declar-  
ed Heir  
apparent.

Polydor  
l. 14. Hol-  
lingsh. in  
vit. Ric. 1.  
p. 480.

Thirdly they shew, that this declaration of King *Richard* was never admitted in *England*, neither would Duke *John* suffer it to be admitted, but rather caused the Bishop of *Ely* that was left Governour by King *Richard*, with consent of the Nobility, to renounce the said declaration of King *Richard* in favour of *Arthur*, and to take a contrary Oath to admit the said *John*, if King *Richard* his Brother should die without Issue; and the like Oath did the said Bishop of *Ely*, together with the Arch-

Hollingsh.  
in vlt. Ri-  
chardi Re-  
gis, p. 496.  
& 499.

Archbishop of *Roan*, that was left in equal Authority with him, exact and take of the Citizens of *London*, when they gave them their Priviledges and Liberties of Comimonalty, as *Hollingshed* recordeth.

Hollingsh.  
p. 540.

Walsingh.  
in Ypodig.  
Neustriæ.

And lastly, the said *Hollingshed* writeth, how that King *Richard* being now come home again from the War of *Ierusalem*, and void of that jealousie of his Brother, which before I have mentioned; he made his last Will and Testament, and ordained in the same, that his Brother *John* should be his successor, and caused all the Nobles there present to swear Fealty unto him, as to his next in blood: for which cause *Thomas Walsingham* in his story writeth these words; *Johannis filium junior Henrici 2. Anglorum regis, & Alienora Ducissa Aquitania, non modo jure propinquitatis, sed etiam testamento fratris sui Richardi, designatus est successa post mortem ipsius*: which is, *John* younger Son of *Henry* the second King of *England*, and of *Eleanor* Dutcheß of *Aquitain*, was declared successor of the Crown not only by Law and right of nearness of blood, but also by the Will and Testament of *Richard* his Brother. Thus much this ancient Chronicler speaketh in the testifying of King *John's* Title.

By all which examples, that fell out almost within one age in divers Nations over the World, (letting pass many others which the *Civilian* touched in his discourse before, for that they are of more ancient times) these favourers of the House of *Lancaster* do infer, that the right of the Uncle before the Nephew, was no new or strange matter in those days of King *Edward* the third, and that if we will deny the same now, we must call in question the succession and right of all the Kingdoms and States before-mentioned, of *Naples*, *Sicily*, *Spain*, *Britany*, *Flanders*, *Scotland*, and *England*, whose

whose Kings and Princes do evidently hold their Crowns at this day by that very Title, as hath been shewed.

Moreover they say, that touching Law in this point, albeit the most famous Civil Lawyers of the World, be somewhat divided in the same matter, some of them favouring the Uncle, and some other the Nephew, and that for different reasons: as *Baldus Oldratus*, *Panormitanus*, and divers others alledged by *Gulielmus Benedictus*, in his Repetitions in favour of the Nephew against the Uncle. And on the other side, for the Uncle before the Nephew, *Bartolus*, *Alexander*, *Decius*, *Altianus*, *Cujatius*, and many other their followers, are recounted in the same place by the same man; yet in the end, *Baldus* that is held for head of the contrary side, for the Nephew, after all reasons weighed to and fro, he cometh to conclude, that seeing rigour of Law runneth only with the Uncle, for that indeed he is properly nearest in blood by one degree, and that only indulgence and custom serveth for the Nephew, permitting him to represent the place of his Father, who is dead; they resolve (I say) that whensoever the Uncle is born before the Nephew, and the said Uncle's elder Brother died before his Father, (as it happened in the case of *John of Gaunt*, and of King *Richard*) there the Uncle by right may be preferred, for that the said elder Brother could not give or transmit that thing to his Son, which was not in himself before his Father died, and consequently his Son could not represent that which his Father never had: and this for the Civil Law.

Touching our Common Laws, the favourers of *Laneaster* do say two or three things; first, that the right of the Crown, and interest thereunto, is not decided expressly in our law, nor is it a plea subject to the common rules thereof, but is superior

*Opinions of Lawyers for the Nephew and Uncle.*

*Benedict. Cap. Ranutius verb. in eodem testam.*

*Baldus in lib. ut in test. cap. de suis & leg. hered. & per. li. unicampro 20. sui autem & novissimo.*

*Touching the Common Law of England*

*Different  
rules in  
succession of  
the Crown,  
& of other  
Inheri-  
tances.*

riour and more eminent; and therefore that men may not judge of this as of other pleas of particular persons, nor is the Tryal alike, nor the common maxims or rules always of force in this thing, as in others, which they prove by divers particular cases; as for example, the Widow of a private man shall have her thirds of all his Lands for her Dowry, but not the Queen of the Crown. Again, if a private man have many daughters, and die seized of Lands in Fee-simple, without Heir Male, his said daughters by law shall have the said Lands as co-partners equally divided between them, but not the daughters of a King, for that the eldest must carry away all, as though she were Heir male. The like also is seen, if a Baron match with a Feme that is an Inheritrix, and have Issue by her, though she die, yet shall he enjoy her Lands during his life, as Tenant by courtesie; but it is not so in the Crown, if a man marry with a Queen, as King *Philip* did with Queen *Mary*: and so finally they say also, that albeit in private mens possessions, the common course of our law is, that if the Father die seized of Land in Fee-simple, leaving a younger Son and a Nephew, that is to say a Child of his Elder Son, the Nephew shall succeed his Grandfather, as also he shall do his Uncle, if of three Brethren the elder die without Issue, and the second leave a Son: yet in the inheritance and succession of the Crown it goeth otherwise, as by all the former eight examples have been shewed, and this is the first they say about the common law.

*The Com-  
mon Law  
grounded  
in Custom*

The second point which they affirm is, that the ground of our Common Laws, consisteth principally and almost only, about this point of the Crown, in custom, for so say they we see by experience, that nothing in effect, is written thereof in the common law, and all old Lawyers do affirm this point,

point, as were *Rannulfus de Granvilla* in his books of the laws and customs of *England*, which he wrote in the time of King *Henry* the second, and Judge *Fortescue* in his book of the praise of *English* laws, which he compiled in the time of King *Henry* the sixth, and others. Whereof these men do infer, that seeing there are so many presidents and examples alledged before, of the Uncles case preferred before the Nephew, not only in foreign Countries, but also in *England*, for this cause (I say) they do affirm, that our common laws, cannot but favour also this title, and consequently must needs like well of the interest of *Lancaster*, as they avouch that all the best old Lawyers did in those times: and for example they do Record two by name, of the most famous learned men which those ages had, who not only defended the said title of *Lancaster* in those days, but also suffered much for the same. The one was the forenamed Judge *Fortescue*, Chancellor of *England*, and named Father of the common laws in that age, who fled out of *England* with the Queen, Wife of King *Henry* the sixth, and with the Prince her Son, and lived in banishment in *France*, where it seemeth also that he wrote his learned book intituled, *de laudibus legum Angliae*. And the other was, Sir *Thomas Thorpe*, chief Baron of the Exchequer, in the same Reign of the same King *Henry* the sixth, who being afterward put into the Tower by the Princes of the House of *York*, for his eager defence of the title of *Lancaster*, remained there a long time, and after being delivered, was beheaded at *Highgate* in a tumult, in the days of King *Edward* the fourth:

These then are the allegations which the favourers of the House of *Lancaster* do lay down for the justifying of the title, affirming first, that *John* of *Gaunt* Duke of *Lancaster* ought to have succeeded

his

*Ancient  
Lawyers  
that defended  
the  
House of  
Lancaster.*

Hollingsh.  
in vit.  
Henrici 6.  
p. 1300.

*The sum of  
this con-  
troverſie  
repeated.*

- his Father King *Edward* the third, immediately before King *Richard*; and that injury was done unto him, in that King *Richard* was preferred. And
- 2 secondly, that King *Richard* (were his right never so good) was justly and orderly deposed, for his evil Government, by lawful authority of the *Commonwealth*. And thirdly, that after his deposition,
- 3 *Henry* Duke of *Lancaster*, Son and Heir of *John* of *Gauvre*, was next in succession every way, both in respect of the right of his Father, as also for that he was two degrees nearer to the King deposed, then was *Edmond Mortimer* descended of *Leonel* Duke of *Clarence*; and these are the principal and substantial proofs of their right and title.

Other Arguments of  
Lancaster.

See in  
vid. Hen. 5.  
p. 587.  
The Princes  
of York  
often at-  
tainted.

See in  
vid. Hen. 5.  
p. 587.  
The Princes  
of York  
often at-  
tainted.

See in  
vid. Hen. 6.

But yet besides these, they do add all these other arguments and considerations following: first, that whatsoever right or pretence the House of *York* had, the Princes thereof did forfeit and lose the same many times, by their conspiracies, rebellions and attainders; as namely *Richard* Earl of *Cambridge*, that married the Lady *Anne* *Mortimer*, and by her took his pretence to the Crown, was convicted of a conspiracy against King *Henry* the fifth in *Southampton*, as before I have said, and there was put to death for the same, by Judgment of the King, and of all his Peers, in the year 1415. the Duke of *York* his elder Brother, being one of the Jury that condemned him. This Earl *Richard* his Son, also named *Richard*, coming afterward by the death of his Uncle, to be Duke of *York*, first of all made open claim to the Crown, by the title of *York*. But yet after many oaths sworn and broken to King *Henry* the sixth, he was attainted of Treason: I mean both he and *Edward* his Son, then Earl of *March*, which afterward was King, with the rest of his offspring even to the ninth degree (as *Stow* affirmeth) in a *Parliament* holden at *Exeter* in the year 1459, and in the 36. year of the

the Reign of the said King *Henry*, and the very next year after the said *Richard* was slain in the same quarrel: but the House of *Lancaster* (say these men) was never attainted of any such crime.

Secondly they say, that the House of *York* did enter only by violence, and by infinite bloodshed, and by wilful murthering not only of divers of the Nobility both Spiritual and Temporal, but also of both King *Henry* the sixth himself, and of Prince *Edward* his Son, and by a certain popular and mutinous election of a certain few Souldiers in *Smithfield* at *London*; and this was the entrance of the House of *York* to the Crown: whereas King *Henry* the fourth, first King of the House of *Lancaster*, entered without bloodshed, as hath been shewed, being called home by the requests and letters of the people and Nobility, and his election and admission to the Crown, was orderly, and authorized by general consent of *Parliament*, in the doing thereof.

2.  
York entered by violence.

Stow in fine vit.  
Henrici 6.

Thirdly they alledge, that King *Henry* the sixth put down by the House of *York*, was a good and holy King, and had Reigned peaceably 40. years, and never committed any act, worthy deposition; whereas King *Richard* the second had many ways deserved the same, as himself came to acknowledge, and thereupon made a personal solemn and publick resignation of the said Crown unto his Cousen *Henry* of *Lancaster*, the which justified much the said *Henry's* entrance.

3.  
The House of York put down a Holy King.

Fourthly they alledge, that the House of *Lancaster* had been in possession of the Crown upon the point of 600. years, before the House of *York* did raise trouble unto them for the same, in which time their Title was confirmed by many *Parliaments*, Oaths, approbations, and publick Acts of the *Commonwealth*, and by the Nobles, Peers and people

4.  
Long possessions of the House of Lancaster.



ple thereof, and by the States both Spiritual and Temporal, and with the consent of all foreign Nations; so that if there had been any fault in their first entrance, yet was this sufficient to authorize the same, as we see it was in the title of King *William* the Conqueror, and of his two Sons King *William Rufus*, and King *Henry* the first, that entred before their elder Brether, and of King *John*, that entred before his Nephew, and of his Son King *Henry* the third that entred after his Fathers deprivation, and after the election of Prince *Lewis* of *France*, as also of *Edward* the third that entred by deposition of his own Father: of all which Titles, yet might there have been doubt made at the beginning, but by time and durance of possession, and by confirmation of the *Commonwealib*, they were made lawful, and without controversie.

5.  
The difference of  
Kings of  
both Houses

Fifthly they say, that if we consider the four King *Henrys* that have been of the House of *Lancaster*, to wit, the 4, 5, 6, and 7, and do compare them with the other four that have been of the House of *York*, to wit, *Edward* the fourth, *Richard* the third, *Henry* the eighth, and *Edward* the sixth, and all their acts both at home and abroad, what quietness or troubles have passed, and what the *Commonwealth* of *England* hath gotten or lost under each of them, we shall find, that God hath seemed to prosper and allow much more of those of *Lancaster*, then of those of *York*, for that under those of *Lancaster* the Realm hath enjoyed much more peace, and gaining far greater honour, and enlarged more the dominions of the Crown then under those of *York*, and that it had done also much more if the seditions, rebellions, and troubles raised and brought in by the Princes of the House of *York*, had not hindered the same, as say these men, it was evidently seen in the time of King

*Henry*

*Henry* the sixth, when their contention against the Princes of the House of *Lancaster*, was the principal cause why all the *English* States in *France* were lost, and what garboils and troubles at home have ensued afterwards, and how infinite murders and men slaughters with change of Nobility have been caused hereby, and increased afterward under the Government and rule of the Princes of *York*, needeth not (say these men) to be declared.

One thing only they note in particular, which I will not omit (and let it be the sixth note) and that is, that the Princes of *York* have not only been rigorous and very bloody unto their adversaires, but also among themselves; and to their kindred, which these men take to be a just punishment of God upon them: And for proof hereof, they alledge, first, the Testimony of *Polydor*, who albeit he were a great advocate of the House of *York*, as before hath been noted, for that he lived and wrote his story under King *Henry* the eighth, yet in one place he breaketh forth into these words, of the Princes of this House. *Cum non haberent jam inimicos in quos savitiam explerent, & satrarent, in semetipsos crudelitatem exercuerunt, proprioque sanguine suas pollure manus.* 'When these Princes now had brought to destruction all those of the House of *Lancaster*, so as they had no more enemies upon whom to fill and satiate their cruelty, then began they to exercise their fierceness upon themselves, and to imbrew their hands with their own blood. Thus far *Polydor*:

6.  
The Princes  
of York  
cruel one to  
the other.

*Polydor*  
Virg. Hist.  
Angl. l. 24

Secondly they do shew the same by the deeds of both sides, for that the love, union, trust, confidence, faithfulness, kindness, and Loyalty of the Princes of *Lancaster*; the one towards the other, is singular and notorious; as may appear by the acts and studious endeavours of the Lord *Henry* Bishop

Great uni-  
on and  
faithful-  
ness of the  
Princes of  
*Lancaster*:

shop of *Winchester*, and Cardinal, and of the Lord *Thomas Duke of Excester* and Marquis of *Dorset*, Brothers of King *Henry* the fourth, to whom and to his Children, they were most faithful, friendly and loyal, as also by the noble proceedings of the Lords *Thomas Duke of Clarence*, *John Duke of Bedford*, and *Humphry Duke of Glocester*, Sons of the foresaid *Henry* the fourth, and brothers of King *Henry* the fifth, (the first of which three gave his blood in his service, and the other two spent their whole lives in defence, of the dignity of the *English Crown*, the one as Regent of *France*, the other as Protector of *England*: by the worthy acts also and renowned faithfulness of the Dukes of *Somerset*, Cousen-jermans to the said King *Henry* the fourth, and to his Children, and the proper Ancestors of King *Henry* the VII. all which Dukes of *Somerset*, of the House of *Lancaster*, (being five or six in number) did not only as *Polydor* saith, assist and help their Sovereign, and the whole Realm, *Vigiliis curis & periculis*, that is to say, with watchfulness, cares, and offering themselves to dangers, but also four of them one after another, to wit, *Edmond* with his three Sons, *Henry*, *Edmond*, and *John*, (whereof two successively alter him were Dukes of *Somerset*, and the Marquess of *Dorset*) were all four (I say) as so many *Maccabees*, slain in the defence of their Country and Family, by the other faction of the House of *York*, which thing say these men, shewed evidently both a marvelous confidence that these men had in their quarrel, as also a great blessing of God towards that Family, that they had such love and union among themselves.

*Polydor*  
lib. 23.

*Dissentions*  
*in the*  
*House of*  
*York.*

But now in the House of *York* these men endeavour to shew all the contrary, to wit, that there was nothing else but suspicion, hatred, and emulations among themselves, and extreme cruel

ty

ty of one against the other; and so we see that as soon almost as *Edward Duke of York* came to be King, *George Duke of Clarence* his younger Brother conspired against him, and did help to drive him out again, both from the Realm and Crown. In recompence whereof his said elder Brother afterward, notwithstanding all the reconciliation, and many others that passed between them, of new love and union, caused him upon new grudges to be taken and murdered privily at *Calis*, as all the World knoweth. And after both their deaths, *Richard* their third Brother, murdered the two Sons of his said elder Brother, and kept in prison whiles he lived, the Son and Heir of his second Brother; I mean the young Earl of *Warwick*, though he were but a very Child, whom King *Henry* the seventh afterward put to death.

K. Edw. 4.

K. Rich. 3.

But King *Henry* the eighth that succeeded them, passed all the rest in cruelty, toward his own kindred, for he weeded out almost all that ever he could find of the Bloud Royal of *York*, and this either for emulation, or causes of meer suspicion only. For first of all he beheaded *Edmond de la Pole* Duke of *Suffolk*, Son of his own Aunt Lady *Elizabeth*, that was Sister to King *Edward* the fourth; which *Edward* was Grandfather to King *Henry*; as is evident. The like destruction King *Henry* went about to bring to *Richard de la Pole* Brother to the said *Edmond*, if he had not escaped his hands by flying the Realm, whom yet he never ceased to pursue, until he was slain in the battel of *Pavia* in service of the King of *France*, by whose death was extinguished the noble house of the *de la Poles*.

K. Henry 8.  
how many  
he put to  
death of  
his own  
Kindred.The de la  
Poles.

Again the said King *Henry* put to death *Edward* Duke of *Buckingham*, high Constable of *England*, the Son of his great Aunt, Sister to the Queen *Elizabeth* his Grandmother, and thereby overthrew also that worthy House of *Buckingham*, and

The House  
of Buck-  
ingham.

## A Conference touching Succession

*The House  
of Court-  
neys.*

after again he put to death his Cousen-german *Henry Courtney* Marquess of *Excester*, Son of the Lady *Catharine* his Aunt, that was Daughter of King *Edward* the fourth, and attained joyntly with him, his Wife the Lady *Gertrude*, taking from her all her goods lands and inheritance, and committed to perpetual prison their only Son and Heir Lord *Edward Courtney*, being then but a Child of seven years old, which remained so there, until many years after he was set at liberty, and restored to his living by Queen *Mary*.

*The House  
of Salisbu-  
ry.*

Moreover he put to death the Lady *Margaret Plantagenet*, Countess of *Salisbury*, Daughter of *George* Duke of *Clarence*, that was Brother of his Grandfather King *Edward* the fourth, and with her he put to death also her eldest Son and Heir *Thomas Poole*, Lord *Montague*, and committed to perpetual prison (where soon after also he ended his life) a little Infant named *Henry Poole* his Son and Heir, and condemned to death by act of *Parliament* (although absent) *Renald Poole* Brother to the said Lord *Montague* Cardinal in *Rome*, whereby he overthrew also the Noble House of *Salisbury* and *Warwick*: neither need I to go further in this relation, though these men do note also, how *Edward* the sixth put to death two of his own Uncles, the *Seymers* (or at least it was done by his authority) and how that under her Majesty that now is, the Queen of *Scotland*, that was next in kin of any other living and the chief titler of the House of *York*, hath been put to death.

*Seymers  
put to  
death.*

*Queen of  
Scots.*

7.  
*No old no-  
ble House  
standing in  
England  
but such as  
took part  
with Lan-  
caster.*

Lastly they do note, (and I may not omit it) that there is no noble house standing at this day in *England* in the ancient state of calling that it had, and in that dignity and degree that it was in when the House of *York* entered to the Crown (if it be above the State of a Barony) but only such as defended the right and interest of the Houses of *Lancaster*,  
and

and that all other great Houses that took part with the House of *York*, and did help to ruine the House of *Lancaster*, are either ceased since, or extirpated and overthrown by the same House of *York* it self which they assisted to get the Crown, and so at this present they are either united to the Crown by confiscation, or transferred to other lineages that are strangers to them who possessed them before. As for example, the ancient Houses of *England*, that remain at this day and were standing when the House of *York* began their title, are the House of *Arundel*, *Oxford*, *Northumberland*, *Westmerland*, and *Shrewsbury* (for all others that are in *England* at this day, above the dignity of Barons, have been advanced since that time) and all these five houses were these that principally did stick unto the House of *Lancaster*, as is evident by all *English* Chronicles. For that the Earl of *Arundel* brought in King *Henry* the fourth, first King of the House of *Lancaster*, and did help to place him in the Dignity-Royal, coming out of *France* with him. The Earl of *Oxford*, and his Son the Lord *Vere*, were so earnest in the defence of King *Henry* the sixth, as they were both slain by King *Edward* the fourth, and *John* Earl of *Oxford* was one of the principal assistants of *Henry* the seventh, to take the Crown from *Richard* the third. The House of *Northumberland* also was a principal aider to *Henry* the fourth in getting the Crown, and two Earls of that name, to wit, *Henry* the second, and third, were slain in the quarrel of King *Henry* the sixth; one in the battel of *St. Albans*, and the other of *Saxton*, and a third Earl named *Henry* the fourth fled into *Scotland* with the said King *Henry* the sixth. The House of *Westmerland* also was chief advancer of *Henry* the fourth to the Crown, and the second Earl of that House, was slain in the party of *Henry* the sixth in the said battel of *Saxton*, and *John* Earl of *Shrewsbury* was likewise slain in defence of the

Five ancient noble houses.

Arundel.

Oxford.

Northumberland.

Westmerland.

Shrewsbury.

title of *Lancaster* in the battel of *Northampton*; And I omit many other great services and faithful endeavours which many Princes of these five noble ancient houses, did in the defence of the *Lancastrian* Kings, which these men say, that God hath rewarded with continuance of their houses unto this day.

*Houses that  
favoured  
York de-  
stroyed-*

But on the contrary side, these men do note, that all the old houses that principally assisted. The title of *York*, are now extinguished, and that chiefly by the Kings themselves of that house, as for example, the principal Peers that assisted the family of *York*, were *Maubray* Duke of *Norfolk*, *de la Poole* Duke of *Suffolk*, the Earl of *Salisbury* and the Earl of *Warwick*, of all which the event was this.

*The Mou-  
brays.*

*John Maubray* Duke of *Norfolk* the first confederate of the House of *York*, died soon after the exaltation of *Edward* the fourth, without Issue, and so that name of *Maubray* ceased, and the title of the Dukedom of *Norfolk* was transferred afterward by King *Richard* the third, unto the House of the *Howards*,

*The de la  
Pooles,*

*John de la Poole* Duke of *Suffolk*, that married the Sister of King *Edward* the fourth, and was his great assistant, though he left three Sons, yet all were extinguished without Issue, by help of the House of *York*, for that *Edmond* the eldest Son Duke of *Suffolk* was beheaded by King *Henry* the eighth, and his Brother *Richard* driven out of the Realm to his destruction, as before hath been shewed, and *John* their Brother Earl of *Lincolne*, was slain at *Stock-field* in service of King *Richard* the third, and so ended the Line of *de la Pooles*.

*The House  
of Salisbury  
and  
Warwick.*

*Richard Nevel* Earl of *Salisbury*, a chief enemy to the House of *Lancaster*, and exalter of *York*, was taken at the battel of *Wakefield*, and there beheaded, leaving three Sons, *Richard*, *John* and *George*: *Richard* was Earl both of *Salisbury* and *Warwick*, surnamed the great Earl of *Warwick*, and was he that placed

placed King Edward the fourth in the Royal Seat, by whom yet he was slain afterward at *Barnet*, and the Lands of these two great Earldoms of *Salisbury* and *Warwick*, were united to the Crown by his attainder. *John* his younger Brother was Marquess of *Montague*, and after all assistance given to the said King Edward the fourth of the House of *York*, was slain also by him at *Barnet*, and his Lands in like manner confiscated to the Crown, which yet were never restored again: *George Nevel* their younger Brother was Archbishop of *York*, and was taken and sent prisoner by the said King Edward unto *Guyens*, who shortly pined away and died; and this was the end of all the principal friends, helpers and advancers of the House of *York*, as these men do alledge.

Wherefore they do conclude, that for all these reasons, and many more that might be alledged, the title of *Lancaster* must needs seem the beter title, which they do confirm by the general consent of all the Realm, at King *Henry* the seventh his coming in to recover the Crown from the House of *York*, as from usurpers: for having had the victory against King *Richard*, they Crowned him presently in the Field in the right of *Lancaster*, before he married with the House of *York*, which is a token that they esteemed his title of *Lancaster* sufficient of it self, to bear away the Crown, albeit for better ending of Strife he took to Wife also the Lady *Elizabeth* Heir of the House of *York*, as hath been said, and this may be sufficient for the present, in this controversy.

*King Henry the 7. Crowned in the field in respect of the house of Lancaster only though his title that way was not great.*

## CHAP.



## CHAP. V.

*Of five Principal Houses or Lineages that do or may pretend to the Crown of England, which are the Houses of Scotland, Suffolk, Clarence, Britany, and Portugal, and first of all, of the House of Scotland, which containeth the pretentions of the King of Scots and the Lady Arabella.*

**H**AVING declared in the former Chapter, so much as appertaineth unto the general controversie between the two principal Houses and Royal families of *Lancaster* and *York*, it remaineth now that I lay before you the particular challenges, claims and pretentions, which divers houses and families descended (for the most part) of these two, have among themselves, for their titles to the same.

*A division of the families that do pretend.*

All which families, may be reduced to three or four general heads. For that some do pretend by the House of *Lancaster* alone, as those families principally that do descend of the Line Royal of *Portugal*: some other do pretend by the House of *York* only, as those that are descended, of *George Duke of Clarence*, second Brother to King *Edward* the fourth. Some again will seem to pretend from both Houses joyned together, as all those that descend from King *Henry* the seventh, which are the Houses of *Scotland* and *Suffolk*; albeit (as before hath appeared) others do deny that these families have any true part in the House of *Lancaster*, which point shall afterward be discussed more at large. And fourthly, others do pretend, before the two Houses of *York* and *Lancaster* were divided, as the *Infants* of

of *Spain*, *Dutchess of Savoy*, the Prince of *Loraign* and such others, as have descended of the House of *Britany* and *France*, of all which pretences and pretenders, we shall speak in order, and consider with indifferency what is said or alledged of every side, to and fro, beginning first with the House of *Scotland*, as with that which in common opinion of vulgar men, is taken to be first and nearest (though others deny it) for that they are descended of the first and eldest daughter of King *Henry* the seventh, as before in the third chapter hath been declared.

First, then two persons are known to be of this house at this day that may have action and claim to the Crown of *England*; The first is, Lord *James* the sixth of that name presently King of *Scotland*, who descended of *Margaret* eldest daughter of King *Henry* the seventh, that was married by her first marriage to *James* the fourth King of *Scots*, and by him had Issue *James* the fifth, and he again the Lady *Mary* Mother to this King now pretendant.

*Of the  
house of  
Scotland.*

The second person that may pretend in this house, is the Lady *Arabella*, descended of the self same Queen *Margaret* by her second marriage, unto *Archibald Douglas* Earl of *Angus*, by whom she had *Margaret* that was married to *Matthew Steward* Earl of *Lenox*, and by him had *Charles* her second Son Earl of *Lenox*, who by *Elizabeth* daughter of Sir *William Candish* Knight in *England*, had Issue this *Arabella* now alive.

*Arabella.*

First then, for the King of *Scots*, those that do favour his cause, (whereof I confess that I have not found very many in *England*) do alledge, that he is the first and chiefest pretender of all others, and next in succession, for that he is the first person that is descended (as you see) of the eldest daughter of King *Henry* the seventh, and that in this descent there cannot bastardy or other lawful impediment be avowed, why he should not succeed according to the

*In favour  
of the King  
of Scots.*

*r.*

2. the priority of his pretention and birth: And more-  
 over, secondly, they do alledge that it would be great-  
 ly for the honour and profit of *England*, for that  
 hereby the two Realms of *England* and *Scotland*,  
 should come to be joyned, a point long sought for,  
 and much to be wished; and finally such as are affec-  
 3. ted to his Religion do add, that hereby true religion  
 will come to be more settled also and established in  
*England*, which they take to be a matter of no small  
 consequence, and consideration, and this in effect is  
 that which the favours of this Prince do alledge in  
 his behalf.

*Argument  
 against the  
 King of  
 Scots.*

But on the other side, there want not many that  
 do accompt this pretence of the King of *Scots* nei-  
 ther good nor just, nor any way expedient for the  
 State of *England*; and they do answer largely to all  
 the allegations before mentioned in his behalf.

And first of all, as concerning his title, by near-  
 ness of succession, they make little accompt thereof,  
 both for that in it self (they say) it may easily be  
 overthrowen, and proved to be of no validity; as al-  
 so for that if it were never so good, yet might it for  
 other considerations be rejected, and made frustrate,  
 as our friend the Civil Lawyer, hath largely and  
 learnedly proved these days; in our hearing.

1.  
*The King of  
 Scots not of  
 the House  
 of Lanca-  
 ster.*

To begin then to speak first of the King of *Scots*  
 title by nearness of blood, these men do affirm, that  
 albeit there be not alledged any bastardy in his des-  
 cent, from King *Henry* the seventh his daughter, as  
 there is in her second marriage against the Lady *Ara-  
 bella*: yet are there other reasons enough to frustrate  
 and overthrow this claim and pretention, and first  
 of all, for that he is not (say these men) of the house  
 of *Lancaster* by Lady *Blanch* the only true Heir there-  
 of, as before hath in part been shewed, and shall be  
 afterward more largely, but only by *Catharine Swin-  
 ford*, whose Children being unlawfully begotten, and  
 but of the false blood, whether they may by that le-  
 gitimation

gitimisation of *Parliament*, that was given them, be made inheritable unto the Crown before the lawful daughter of the whole bloud, shall be discussed afterward in place convenient, when we shall talk of the House of *Portugal*: but in the mean space, these men do presume, that the King of *Scots* is but only of the House of *York*, and then affirming farther that the title of the House of *Lancaster*, is better then that of *York*, as by many arguments the favours of *Lancaster* have endeavoured to shew in the former Chapter, they do infer that this is sufficient, to make void all claim of the King of *Scots*, that he may pretend by nearness of bloud, especially seeing there want not at this day pretenders enough of the other House of *Lancaster* to claim their right, so as the House of *York* shall not need to enter, for fault of true Hirs, and this is the first argument which is made against the *Scottish* King and all the rest of his lineage, by the favourers and followers of the said House of *Lancaster*.

A second argument is made against the said Kings<sup>2.</sup> succession not by them of *Lancaster*, but rather by those of his own House of *York*, which is founded upon his foreign birth, by which they hold that he is excluded, by the common laws of *England* from succession to the Crown, for that the said laws do bar all strangers born out of the Realm, to inherit within the Land; and this is an argument handled very largely between the foresaid books of *Mr. Hales*, *Mr. Morgan* and my Lord of *Ross*; and for that the same doth concern much the pretensions and claims of divers others, that be strangers also by birth, and yet do pretend to this succession, as before hath been declared: I shall repeat briefly in this place, the sum of that which is alledged of both parties in this behalf.

First then, to the general assertion, that no stranger at all may inherit any thing, by any means in

*The King  
of Scots  
foreign  
born.*

*The contro-  
versie a-  
bout for-  
eign birth.  
Eng.*

*England*, the said books of *Mr. Morgan* and my Lord *Ross* do answer, that in that universal sense, it is false, for that it appeareth plainly by that which is set down by law in the seventh and ninth years of King *Edward* the fourth, and in the eleventh, and fourteenth of King *Henry* the fourth, that a stranger may purchase Land in *England*; as also that he may inherit by his Wife if he should marry an Inheretrix.

*How strangers may inherit.*

Secondly, they say, that the true maxim of rule against the Inheritance of strangers, is grounded only upon a Statute made in the 25th. year of King *Edward* the third, and is to be restrained unto proper inheritances only, to wit, that no person born out of all the allegiance of the King of *England*, whose Father and Mother were not of the same allegiance at the time of his birth (for so are the words of the Statute) shall be able to have or demand any heritage within the same allegiance, as Heir to any person.

*Reasons why the statute toucheth not one case.*

Thirdly they say, that this axiom or general Rule cannot any way touch or be applied to the succession of the Crown, first, for that as hath been declared before, no Axiom or Maxim of our Law can touch or be understood of matters concerning the Crown, except express mention be made thereof, and that the Crown is privileged in many points that other private heritages be not.

*The Crown not holden by allegiance.*

And secondly, for that the Crown cannot properly be called an Inheritance of Allegiance or within Allegiance, as the words of the said Statute do stand, for that it is not holden of any superior, nor with allegiance, but immediately from God. And thirdly, for that the Statute meaneth plainly of Inheritances by descent (for otherwise as is said an Alien may hold Lands by purchase) but the Crown is a thing incorporate, and descendeth not according to the common course of other private inheritances, but

but rather goeth by Succession as other Incorporations do, in sign whereof, no King can by Law avoid his Letters Patents by reason of his nonage, as other common Heirs under age do, but he is ever presumed to be of full age, in respect of his Crown, even as a Prior, Parson, Dean, or other Head Incorporate, is, which can never be presumed to be within age; and so, as any such Head Incorporate though he be an Alien, might inherit or demand lands in *England* for his Incorporation, notwithstanding the former Statute, so much more the Inheritor to the Crown.

Fourthly, they say, that in the very Statute it self there is expresse exception of *Infantes du Roy*, by which words, these men do hold to be understood all the Kings Off-spring or Blood Royal, and they do fortifie their proof, for that otherwise King *Edward* the third being then alive when this Statute against strangers was made, and his Children also, who had dispersed their blood by marriages over all Christendom, they would never have suffered such a Statute to pass to their own prejudice, if the heritage of the Crown should fall unto them, or any of theirs, that should be born abroad.

And finally, these men do shew how that King *Stephen* and King *Henry* the second, born out of the Realm, and of Parents that were not of the allegiance of *England* when they were born, were yet admitted to the Crown without contradiction, in respect of their forraign birth, which argueth that by the common course of our old common Laws, there was no such stop against Aliens; and that if the Statute made in King *Edward* the third his days would have derogated or abridged this ancient liberty, it would have made special mention thereof, which it doth not, as hath been shewed, and by reasons it seemeth, that they have answered sufficiently to this objection of forraign birth, both for the King of *Scotland* and all other

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Reason.

other pretenders that are foreign born, so as by this impediment they may not in right be excluded from their succession.

*King Henry's Testament against the King of Scots.*

So as now I will return to shew the other reasons of exclusion which men do lay against the House of *Scotland*, whereof one is urged much by the House of *Suffolk*, and grounded upon a certain Testament of King *Henry* the eighth as before hath been touched, by which Testament the said House of *Suffolk*, that is to say: the Heirs of the Lady *Frances*, and of the Lady *Eleanor*, Nieces to King *Henry* the eighth, by his second Sister *Mary*, are appointed to succeed in the Crown of *England*, before the Heirs of *Margaret* the first Sister, married in *Scotland*, if King *Henry's* own Children should come to die without Issue, as now they are all like to do, and this Testament had both the Kings hand or stamp unto it, and divers Witnesse names besides, and was enrolled in the Chancery, and was authorized by two Acts of *Parliament*, two wit, in the 28. and 35. years of King *Henry*, in which *Parliaments*, authority was given to the said King, to dispose and ordain of this point of succession, as he and his learned Councel should think best for the weal publick.

*Answers to the King's Testament.*

This is the effect of this Argument, which albeit the former Books of Mr. *Morgan* and the Bishop of *Ross*, and some other of the *Scottish* favourers, do seek to refut by divers means and ways, as before in the first chapter of this discourse is set down, and especially by the Testimony of the Lord *Paget*, and Sir *Edward Montague*, that said the stamp was put unto it after the King was past sense, yet they of the House of *Suffolk* are not satisfied without that answer; for that they say that at least, howsoever that matter of the late sealing be, yet seeing the King willed it to be done, drawn out and sealed, it appeareth hereby that this was the last Will and judg-

judgment of King *Henry*, and not revoaked by him: which is sufficient (say these men) to answer the intent and meaning of the Realm, and the authority committed to him, by the foresaid two Acts of *Parliament*, for the disposing of the succession, which two Acts (say these men) containing the whole authority of the *Commonwealth*, so seriously and deliberately given, in so weighty an affair, may not in reason be deluded or overthrown now by the saying of one or two men, who for pleasing or contenting of the time wherein they speak, might say or guess that the Kings memory was past, when the stamp was put unto his Testament, which if it were so; yet if he commanded (as hath been said) the thing to be done, while he had memory (as it may appear he did; both by the Witnesses that subscribed, and by the enrollment thereof in the Chancery) no man can deny, but that this was the King's last Will, which is enough for satisfying the *Parliament's* intention, as these men do affirm.

A fourth argument is made against the King of *Scots* Succession, by all the other competitors jointly, and it seemeth to them, to be an argument that hath no solution or reply, for that it is grounded upon a plain fresh Statute, made in the *Parliament* holden in the 27 year (if I erre not) of her Majesty that now is; wherein it is enacted and decreed, that whosoever shall be convinced to conspire, attempt, or procure the death of the Queen, or to be privy or accessary to the same, shall lose all right, title, pretence, claim or action, that the same parties or their Heirs have or may have, to the Crown of *England*. Upon which Statute, seeing that afterward the Lady *Mary* late Queen of *Scotland*, Mother of this King, was condemned and executed by the authority of the said *Parliament*, it seemeth evident, unto these men, that this King who pretendeth all his right to the Crown of *England* by his said Mother, can have none at all. And

*The King of Scots excluded by the statute of association.*



## A Conference touching Succession

And these are the reasons, proofs and arguments, which divers men do alledge against the right of succession, pretended by the King of *Scots*. But now if we leave this point which concerneth the very right it self of his succession by bloud, and will come to examine other reasons and considerations of State, and those in particular which before I have mentioned that his favourers do alledge, utility and common good that may be presumed will rise to the Realm of *England* by his admission to our Crown, as also the other point also of establishment of Religion by them mentioned, then I say, these other men that are against his entrance, do produce many other reasons and considerations also, of great conveniencies (as to them they seem) against this point of admission and their reasons are these that follow.

*Joyning of  
England  
and Scot-  
land toge-  
ther.*

I:

First touching the publick good of the *English Commonwealth*, by the uniting of both Realms of *England* and *Scotland* together, these men do say, that it is very doubtful and disputable whether the state of *England* shall receive good or harm thereby, if the said union could be brought to pass. First, for that the state and condition of *Scotland* well considered, it seemeth, that it can bring no other commodity to *England*, then increase of Subjects, and those rather to participate the commodities and riches of *England*, then to import any from *Scotland*. And then secondly, the averſion and natural alienation of that people, from the *English*, and their ancient inclination to joyn with the *French* and *Irish* against us, maketh it very probable, that, that subjection of theirs to the Crown of *England* would not long endure, as by experience we have seen, since the time of King *Edward* the first, when after the death of their King *Alexander* the third, without Issue, they chose King *Edward* to be their King, delivered their *Towns* and  
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*Fortresses* into his hands, did swear him Fealty, received his Deputy or Vice-Roy, as *Polydor* at large declareth; And yet all this served afterward to no other effect but only Slaughter, Blood-shed, and infinite Losses and Charges of *England*.

Thirdly, they say, That if the King of *Scots* should come to possess the Crown of *England*, he cannot chuse (at least for many years) but to stand in great jealousy of so many other Competitors of the *English* Blood-Royal as he shall find in *England*, against whom he must needs fortifie himself by those other Foreign Nations that may be presumed to be most sure unto him, though most contrary by natural inclination, and least tollerable in Government to *English*-men, as are the *Scots* of whom he is born, and *Danes* with whom he is allied, and *French* of whom he is descended, and of the uncivil Part of *Ireland*, with whom one great part of his Realm hath most Conjunction; the Authority and sway of which four Nations in *England*, and over *English*-men, what trouble it may work, every wise man may easily conjecture. Besides that, the *Scotch*-men themselves (especially those of the Nobility) do openly profess, That they desire not this Conjunction and Subordination unto *England*, which in no wise they can bear, both for the aversion they have to all *English* Government over them, as also for that their Liberties are far greater (as now they live) than in that case it would be suffered, their King coming hereby to be of greater Power to force them to the form of *English* Subjection, as no doubt but in time he would.

And seeing the greatest utility that in this Case by reason and probability can be hoped for by this Union, is, That the *Scotish* Nation should come to be advanced in *England*, and to be made of the Nobility both Temporal and Spiritual, and of the Privy-Council, and other like Dignities of Credit

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*A Consideration of  
Impertance*

Polyd. Hist.  
Ang. l. 8.  
& 9.

and Confidence, (for otherwise no union or amity can be hoped for;) and considering, That the King, both for his own safety, (as hath been said) as also for gratitude and love to his allied Friends, must needs plant them about him in chief places of Credit, which are most opposite to *English* Natures; and by little and little (through occasion of Emulations and of Controversies that will fall out daily betwixt such diversity of Nations) he must needs secretly begin to favour and fortifie his own, as we read that *William* the Conquerour did his *Normands*, and *Canutus* before him his *Danes*, to the incredible Calamity of the *English* Nation, (though otherwise neither of them was of themselves either an evil King, or an Enemy to the *English*-Blood, but driven hereunto for their own safety, and for that it was impossible to stand *Neuter* in such national Contentions.) If all this (I say) fell out so then, as we know it did, and our Ancestors felt it to their extreme Ruine, what other effect can be hop'd for now, by this violent union of Nations that are by nature so dis-united and opposite, as are the *English*, *Scotch*, *Irish*, *Danish*, *French*, and other on them depending, which by this means must needs be planted together in *England*.

*Example of  
Spain.*

Garibay  
l. 29. c. 42.  
An. Dom.  
1207.

And if we read that the whole Realm of *Spain* did refuse to admit *St. Lewis* King of *France* to be their King in *Spain*, (to whom yet by Law of Succession it was evident, and confessed by the *Spaniards* themselves (as their Chronicler *Garibay* writeth) that the Right most clearly did appertain, by his Mother Lady *Blanch*, eldest Daughter and Heir of King *Alonso IX.*) and that they did this only for that he was a *French*-man, and might thereby bring the *French* to have chief Authority in *Spain*. And if for this Cause they did agree together to give the Kingdom rather to *Ferdinando III.* that was Son of Lady *Berenguela*, younger Sister to the said

said Lady *Blanch*; and if this determination at that time was thought to be wise and provident, (tho' against all right of Lineal Succession) and if we see that it had good success, for that it endureth unto this day) what shall we say in this case, (say these men) where the King in question is not yet a *St. Lewis*, nor his Title to *England* so clear as that other was to *Spain*, and the aversion betwixt his Nation and ours much greater than was that betwixt the *French* and *Spanish*? Thus they do reason.

Again, we heard out of the discourse made by the Civilian before, how the States of *Portugal*, after the death of their King *Don Ferdinando*, the second of that Name, (who left one only Daughter and Heir named Lady *Beatrix*, married unto *John I.* King of *Castile*, to whom the Succession without all Controversie did appertain) they rather determined to chuse for their King a Bastard-brother of the said *Don Ferdinando*, named *John*, than to admit the true Inheritrix *Beatrix* with the Government of the *Castilians*, by whom yet (they being much the richer People) the *Portugals* might hope to reap far greater utility than *English*-men can do by *Scotland*, considering it is the poorer Countrey and Nation. And this is that in effect which these men do answer in this behalf; noting also by the way, that the *Romans* themselves, with all their Power, could never bring Union or Peace between these two Nations of *England* and *Scotland*, nor hold the *Scots* and *North-Irish* in Obedience of any Authority in *England*, and so in the end they were enforced to cut them off, and to make that famous Wall begun by *Adrian*, and pursued by other Emperours, to divide them from *England*, and bar them from joyning as all the World knoweth; and much less shall any one King in *England* now, hold them all in Obedience; let him be of what Nation he

Example  
out of *Portugal*.  
Caribay  
l. 34. c. 38.  
An. Dom.  
1383.

S. 67. pa. 4.  
54, 59, 93.  
76.

will. And this for the utility that may be hoped for by this Union.

Of the Religion of Scotland.

But now for the point alledged by the favourers of *Scotland* about establishment of true Religion in *England* by the entrance of this King of *Scots*; these other men do hold that this is the worst and most dangerous point of all other, considering what the state of Religion is in *Scotland* at this day, and how different, or rather opposite to that form which in *England* is maintained; and when the Archbishops, Bishops, Deans, Archdeacons, and other such of Ecclesiastical and Honourable Dignities of *England* shall consider that no such Dignity or Promotion is left now standing in *Scotland*, no nor any Cathedral or Collegiate Church is remained on foot, with the Rents and Dignities thereunto appertaining; and when our Nobility shall remember how the Nobility of *Scotland* is subject at this day to a few ordinary and common Ministers, without any Head, who in their Synods and Assemblies have Authority to put to the Horn, and drive out of the Realm any Noble-man whatsoever, without remedy or redress, except he will yield and humble himself to them; and that the King himself standeth in awe of this exorbitant and popular power of his Ministers, and is content to yield thereunto. It is to be thought (say these men) that few *English*, be they of what Religion or Opinion soever, will shew themselves forward to receive such a King, in respect of his Religion, that hath no better Order in his own at home. And thus much concerning the King of *Scotland*.

Of the title of Lady Arabella.

Now then it remaineth that we come to treat of the Lady *Arabella*, second Branch of the House of *Scotland*, touching whose Title (though much of that which hath been said before, for or against the King of *Scotland*, may also be understood to appertain unto her, for that she is of the same House, yet)

yet) I shall in this place repeat in few words the principal points that are alledged in her behalf or prejudice.

First of all then is alledged for her, and by her favourers, that she is descended of the foresaid Lady *Margaret*, eldest Daughter of King *Henry VII.* by her second Marriage with *Archibald Douglas* Earle of *Angus*, and that she is in the third degree only from her; for that she is the Daughter of *Charles Stuart*, who was Son of *Margaret* Countess of *Lenox*, Daughter to the said Lady *Margaret* Queen of *Scots*; so as this Lady *Arabella* is but Neece once removed unto the said Queen *Margaret*, to wit, in equal degree of descent with the King of *Scots*; which King being excluded (as the favourers of this Woman do affirm) by the Causes and Arguments before-alledged against him, no reason (say they) but that this Lady should enter into his place, as next in Bloud unto him.

Secondly, it is alledged in her behalf, That she is an *English* woman, born in *England*, and of Parents who at the time of her Birth were of *English* Allegiance, wherein she goeth before the King of *Scots*, as hath been seen; as also in this other principal point, that by her admission no such inconvenience can be feared of bringing in strangers, or causing Troubles or Sedition within the Realm, as in the pretence of the *Scottish* King hath been considered: And this in effect is all that I have heard alledged for her.

But against her, by other Competitors and their Friends, I have heard divers Arguments of no small Importance and Consideration produced; whereof the first is, that which before hath been alledged against the King of *Scotland*, to wit, that neither of them is properly of the House of *Lancaster*, as in the Genealogy set down in the third Chapter hath appeared. And secondly, That the title of *Lancaster*

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An English Woman.

Against Arabella.

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Not of the House of Lancaster.

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ster is before the pretence of *York*, as hath been proved in the fourth Chapter ; whereof is inferred, that neither the King of *Scots* nor *Arabella* is next in Succession ; And for that of these two propositions there hath been much treated before, I remit me thereunto ; only promising, That of the first of the two (which is how King *Henry VII.* was of the House of *Lancaster*, touching Right of Succession) I shall handle more particularly afterward, when I come to speak of the House of *Portugal* ; whereby also shall appear plainly what pretence of Succession to the Crown, or Butchy of *Lancaster* the Descendents of the said King *Henry* can justly make.

2  
The Testament  
of  
King Hen-  
ry.

The second Impediment against the Lady *Arabella* is the aforesaid Testament of King *Henry VIII.* and the two Acts of Parliament for authorising of the same ; by all which is pretended that the House of *Suffolk* is preferred before this other of *Scotland*.

3  
The Count-  
ess of Dar-  
by nearer  
by a degree.

A third Argument is, For that there is yet living one of the House of *Suffolk* that is nearer by a degree to the Stem to wit, *Henry VII.* (to whom after the decease of Her Majesty that now is we must return than is the Lady *Arabella*, or the King of *Scots*, and that is the Lady *Margaret* Countess of *Darby*, Mother to the present Earl of *Darby*, who was Daughter to Lady *Eleanor*, Daughter of Queen *Mary* of *France*, that was second Daughter of King *Henry VII.* so as this Lady *Margaret*, Countess of *Darby*, is but in the third degree from the said *Henry*, whereas both the King of *Scotland* and *Arabella* in the fourth ; and consequently she is next in propinquity of Bloud, and how greatly this propinquity hath been favoured in such cases, though they were of the younger Line, the Examples before-alledged in the fourth Chapter do make manifest.

Fourthly

Fourthly and lastly, and most strongly of all, they do argue against the title of this Lady *Arabella*, affirming that the descent is not free from bastardy, which they prove first, for that Queen *Margaret*, soon after the death of her first Husband and King *James* the IV. married secretly one *Stuart* Lord of *Annerdale*; which *Stuart* was alive long after her marriage with *Douglas*: and consequently this second marriage with *Douglas* (*Stuart* being alive) could not be lawful, which they do prove also by another name; for that they say it is most certain, and to be made evident, that the said *Archibald Douglas* Earl of *Angus* had another Wife also alive, when he married the said Queen: which points they say were so publick as they came to King *Henry's* ears; whereupon he sent into *Scotland* the Lord *William Howard*, Brother to the old Duke of *Norfolk*, and Father to the present Lord Admiral of *England*; to enquire of these points, and the said Lord *Howard* found them to be true, and so he reported not only to the King, but also afterwards many times to others; and namely to Queen *Mary* to whom he was Lord Chamberlain, and to divers others, of whom many be yet living, which can and will testify the same, upon the relation they heard from the said Lord *William's* own mouth; whereupon King *Henry* was greatly offended, and would have hindred the Marriage between his said Sister and *Douglas*, but that they were married in secret, and had consummated their Marriage before this was known, or that the thing could be prevented, which is thought, was one especial cause and motive also to the King afterward, to put back the Issue of his said Sister of *Scotland*, as by his forenamed Testament is pretended; and this touching *Arabella's* title by propinquity of Birth.

But besides this, the same men do alledge divers reasons also of inconvenience in respect of the Com-

Illegitimacy by Bastardy.

The Testimony of the L. William Howard.

Other reasons of / against



*monwealtb*, for which in their opinions it should be hurtful to the Realm to admit this Lady *Arabella* for Queen; As first of all, for that she is a Woman, who ought not to be preferred, before so many men as at this time stand for the Crown: And that it were much to have three Women to Reign in *England* one after the other; whereas in the space of above a thousand years before them, there hath not reigned so many of that Sex, neither together nor asunder; for that from *Cerdick*, first King of the *West Saxons*, unto *Egbert* the first Monarch of the *English* Name and Nation, containing the space of more then 300 years, no one Woman at all is found to have Reigned; and from *Egbert* to the Conquest, which is almost other 300 years, the like is to be observed; and from the Conquest downwards, which is above 500 years, one only Woman was admitted for Inheritrix, which was *Maud* the Emperess, Daughter of King *Henry I.* who yet after her Fathers death was put back, and King *Stephen* was admitted in her place, and she never received by the Realm, until her Son *Henry II.* was of age to govern himself; and then he was received with expresse condition, That he should be Crowned, and govern by himself, and not his Mother; which very condition was put also by the *Spaniards* not long after, at their admitting of the Lady *Berenguela* younger Sister of Lady *Blanch*, Neece to King *Henry II.* whereof before often mention hath been made, to wit, the Condition was, That her Son *Ferdinando* should govern, and not she, though his title came by her; so as this Circumstance of being a Woman hath ever been of much consideration, especially where men do pretend also, as in our Case they do.

Another Consideration of these men is, that if this Lady should be advanced unto the Crown, though she be of Noble Bloud by her Fathers side,

yet

Govern-  
ment of  
Women.

Polyd. l. 12.

Garrity  
l. 12. c. 42.

yet in respect of Alliance with the Nobility of *England*, she is a meer stranger; for that her Kindred is only in *Scotland*, and in *England* she hath only the *Candishes* by her Mothers side; who being but a mean Family, might cause much grudging among the *English* Nobility, to see them so greatly advanced above the rest, as necessarily they must be, if this Woman of their Lineage should come to be Queen; which how the Nobility of *England* would bear, is hard to say. And this is as much as I have heard others say of this matter, and of all the House of *Scotland*: wherefore, with this I shall end, and pass over to treat also of the other Houses that do remain of such as before I named.

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## CHAP. VI.

*Of the House of Suffolk, containing the Claims of the Countess of Darby and her Children, as also of the Children of the Earl of Hartford.*

**I**T hath appeared by the Genealogy set down before in the third Chapter, and often-times mentioned since, how that the House of *Suffolk* is so called, for that the Lady *Mary*, second Daughter of King *Henry VII.* being first married to *Lewis XII.* King of *France* was afterwards married to *Charles Brandon* Duke of *Suffolk*, who being sent over to condole the death of the said King, got the good will of the Widow-Queen, though the common Fame of all men was, That the said *Charles* had a Wife living at that day, and divers years after, as in this Chapter we shall examine more in particular.

By

The Issue of  
Charles  
Brandon.

By this *Charles Brandon* then Duke of *Suffolk*; this Queen *Mary* of *France* had two Daughters; first, the Lady *Frances*, married to Sir *Henry Gray* Marquess of *Dorset*, and afterwards (in the right of his Wife) Duke also of *Suffolk*, who was afterwards beheaded by Queen *Mary*; And secondly, Lady *Eleanor*, married to Sir *Henry Clifford* Earl of *Cumberland*.

Issue of La-  
dy *Frances*.

The Lady *Frances* (elder Daughter of the Queen and of *Charles Brandon*) had Issue by her Husband the said last Duke of *Suffolk* three Daughters, to wit, *Jane*, *Katharine* and *Mary*; which *Mary* the youngest was betrothed first to *Arthur* Lord *Gray* of *Wilton*; and after left by him, she was married to one *M. Martin Keyes* of *Kent*, Gentleman-Porter of the Queens Household, and after she died without Issue.

Stow an. 7.  
Edon 6.

And the Lady *Jane*, the eldest of the three Sisters, was married at the same time to the Lord *Guilford Dudley*, fourth Son to Sir *John Dudley* Duke of *Northumberland*, and was proclaimed Queen, after the death of King *Edward*; for which act all three of them, to wit, both the Father, Son, and Daughter-in-law, were put to death soon after.

The Issue of  
the Lady  
*Katharine*.

But the Lady *Katharine* the second Daughter was married first upon the same day that the other two her Sisters were, unto Lord *Henry Herbert* now Earl of *Pembroke*; and upon the fall and misery of her House she was left by him; and so she lived a sole Woman for divers years, until in the beginning of this Queens days she was found to be with-child, which she affirmed was by the Lord *Edward Seymor* Earl of *Hartford*, who at that time was in *France* with Sir *Nicholas Throgmorton* the Embassador, and had purpose and license to have travelled into *Italy*; but being called home in hast upon this new accident, he confessed that the Child was his,

his, and both he and the Lady affirmed that they were man and wife; but for that they could not prove it by Witnesses, and for attempting such a Match with one of the Blood Royal, without Privy and License of the Prince, they were Committed to the *Tower*, where they procured Means to meet again afterward, and had an other Child; which both Children do yet live, and the Elder of them is called Lord *Henry Beacham*, and the other *Edward Seymor*; the Mother of whom lived not long after, neither married the Earl again, until of late that he married the Lady *Fraunces Howard*, Sister to the Lady *Sheffield*; And this is all the Issue of the elder Daughter of *Charles Brandon*, by Lady *Mary Queen of France*:

The second Daughter of Duke *Charles* and the Queen, named Lady *Eleanor*, was married to Henry Lord *Clifford* Earl of *Cumberland*, and had by him a Daughter named *Margaret*, that married Sir *Henry Stanely* Lord *Strange*, and after Earl of *Darby*, by whom the said Lady (who yet liveth) hath had Issue *Ferdinando Stanley*, now Earl of *Darby*, *William* and *Francis Stanley*; And this is the Issue of the House of *Suffolk*, to wit, this Countess of *Darby*, with her Children, and these other of the Earl of *Hartford*; of all whose Titles, with their Impediments, I shall here briefly give an account and reason.

*The Issue of  
Lady Eleanor.*

First of all, both of these Families do joyn together in this one point, to exclude the House of *Scotland* both by foreign Birth, and by the aforesaid Testament of King *Henry*, authorized by two *Parliaments*, and by the other Exclusions which in each of the titles of the King of *Scots* and of Lady *Arabella* hath been before-alleged. But then secondly, they come to vary between themselves about the Priority or Propinquity of their own Succession; for the Children of the Earl of *Hartford* and

*Allegations  
of the Hou-  
ses of Darby  
and Hart-  
ford the  
one against  
the other.*

Charles  
Brandon  
had a Wife  
alive.

*First Ba-  
stardy a-  
gainst the  
Issue of  
Hartford.*

Stow in vit.  
Edward  
An. 1553.

2 Bastardy.

3 Bastardy.

and their Friends do alledge, That they do descend of Lady *Frances*, the elder Sister of Lady *Eleanor*, and so by Law and Reason ought to be preferred; But the other House alledgeth against this two Impediments; the one, That the Lady *Margaret* Countess of *Darby* now living, is nearer by one degree to the Stem, that is, to King *Henry VII.* then are the Children of the Earl of *Hartford*; and consequently (according to that which in the former fourth Chapter hath been declared) she is to be preferred, albeit the Children of the said Earl were legitimate.

Secondly they do affirm, That the said Children of the Earl of *Hartford* by the Lady *Katharine Gray* are many ways illegitimate. First, for that the said Lady *Katharine Gray* their Mother was lawfully married before to the Earl of *Pembroke* now living, as hath been touched, and publick Records do testifie, and not lawfully separated, nor by lawful authority, nor for just Causes, but only for temporal and worldly respects; (for that the House of *Suffolk* was come into misery and disgrace, whereby she remained still his true Wife, and before God, and so could have no lawful Children by any other whiles he yet lived, as yet he doth.

Again, they prove the illegitimation of these Children of the Earl of *Hartford*; for that it could never be lawfully proved that the said Earl and the Lady *Katharine* were married, but only by their own assertions, which in Law is not holden sufficient; for which occasion the said pretended Marriage was disannulled in the Court of *Arches*, by publick and definitive Sentence of Doctor *Parker* Archbishop of *Canterbury*, and Primate of *England*, not long after the Birth of the said Children:

Furthermore, they do add yet another Bastardy also in the Birth of Lady *Katharine* her self; for that her Father Lord *Henry Gray* Marquess of *Dor-*

*set*

set was known to have a lawful Wife alive when he married the Lady *Frances*, Daughter and Heir of the Queen of *France*, and of *Charles Brandon* Duke of *Suffolk*, and Mother of this Lady *Katharine*, for obtaining of which said Marriage, the said Marquess put away his foresaid lawful Wife, which was Sister to the Lord *Henry Fitz-Allen* Earl of *Arundel*; which disorder was occasion of much unkindness and hatred between the said Marquess and Earl ever after. But the power of the Marquess and favour with King *Henry* in Womens matters was so great at that time, as the Earl could have no remedy, but only that his said Sister (who lived many years after) had an Annuity out of the said Marquesses Lands during her life, and lived some years after the said Marquess (afterwards made Duke) was put to death in Queen *Maries* time.

These then are three ways by which the Family of *Darby* to argue the Issue of *Hartford* to be Illegitimate; but the other two Houses of *Scotland* and *Clarence* do urge a former Bastardy also that is common to them both, to wit, both against the Lady *Frances* and the Lady *Eleanor*; for that the Lord *Charles Brandon* also Duke of *Suffolk* had a Wife alive (as before hath been signified) when he married the Lady *Mary* Queen of *France*; by which former Wife he had Issue the Lady *Powis*, (I mean the Wife of my Lord *Powis* of *Poistlands* in *Wales*;) and how long after the new Marriage of her Husband *Charles Brandon* this former Wife did live, I cannot set down distinctly; though I think it were not hard to take particular information thereof in *England* by the Register of the Church where in she was buried; But the Friends of the Countess of *Darby* do affirm that she died before the Birth of the Lady *Eleanor* the second Daughter, though after the Birth of the Lady *Frances*, and thereby they

*The fourth Bastardy common to both Families of Suffolk.*

they do seek to clear the Family of *Darby* of this Bastardy, and to lay all four upon the Children of *Hartford* before-mentioned; But this is easie to be known and verified by the means before-signified.

*The Answer  
of those of  
Hartford  
to the fore-  
said Bastar-  
dies.*

But now the Friends of *Hartford* do answer to all these Bastardies, That for the first two pretended by the marriages of the two Dukes of *Suffolk*, that either the Causes might be such, as their Divorces with their Wives might be lawful, and prove them no Marriages, and so give them place to marry again, or else that the said former Wives did die before these Dukes that had been their Husbands; so as by a Post-contract and second new Consent given between the Parties when they were now free, the said latter Marriages which were not good at the beginning, might come to be lawful afterwards, according as the Law permitteth, notwithstanding that Children begotten in such pretended Marriages, where one party is already bound, are not made legitimate by subsequent true Marriage of their Parents. And this for the first two Bastardies.

But as for the third Illegitimation of the Contract between the Lady *Katharine* and the Earl of *Hartford*, by a Præ-contract made between the said Lady *Katharine* and the Earl of *Pembroke* that now liveth, they say and affirm that Præ-contract to have been dissolved afterwards lawfully and judicially in the time of Queen *Mary*.

*Of the marriage be-  
tween the  
Earl of  
Hartford  
and the  
Lady Ka-  
tharine  
Gray.*

There remaineth then only the fourth Objection; about the secret Marriage made between the said Lady *Katharine* and the Earl of *Hartford*, before the Birth of their eldest Son now called Lord *Beaucham*, which, to say the truth, seemeth the hardest point to be answered; For albeit in the sight of God that Marriage might be good and lawful, if before their carnal knowledge they gave mutual consent the one to the other to be man and Wife, and

and with that mind and intention had carnal Copulation, which thing is also allowed by the late Council of *Trent* it self, which disannulleth otherwise all clandestine and secret Contracts in such States and Countries where the authority of the said Council is received and admitted; yet to justify these kind of Marriages in the face of the Church, and to make the Issue thereof legitimate and inheritable to Estates and Possessions: it is necessary by all Law, and in all Nations, that there should be some witness to testify this Consent and Contract of the parties before their carnal knowledge; for that otherwise it should lie in every particular mans hand to legitimate any Bastard of his, by his only word, to the prejudice of others that might in equity of Succession pretend to be his Heirs; and therefore (no doubt) but that the Archbishop of *Canterbury* had great reason to pronounce this Contract of the Lady *Katharine* and the Earl of *Hartford* to be insufficient and unlawful, though themselves did affirm that they had given mutual Consent before of being Man and Wife, and that they came together, *animo maritali*, as the Law of Wedlock requireth; but yet (for that they were not able to prove their said former consent by lawful Witnesses,) their said Conjunction was rightly pronounced unlawful; and so I conclude that the first Son of these two Parties might be legitimate before God, and yet illegitimate before men, and consequently incapable of all such Succession as otherwise he might pretend by his said Mother.

And this now is for the first begotten of these two persons; for as touching the second Child, begotten in the Tower of *London*, divers men of opinion that he may be freed of this Bastardy; for that both the Earl and the Lady being examined upon their first Child, did confess and affirm that they were Man and Wife, and that they had meaning

*How the  
second Son  
of the Earl  
of Hartford  
may be legi-  
timate.*



ning so to be and continue ; which Confession is thought to be sufficient, both for ratifying of their old Contract, and also for making of a new, if the other had not been made before. And seeing that in the former pretended Contract and Marriage there wanted nothing for justifying the same before men, and for making it good in Law, but only external Testimony of Witnesses, for proving that they gave such mutual Consent of minds before their Carnal knowledge, (for the presence of Priest or Minister is not absolutely necessary,) no man can say that there wanted Witnesses for testifying of this Consent before second Copulation, by which was begotten the second Son ; for that both the Queen her self, and her Council, and as many besides as examined these Parties upon their first Act and Child-birth, are Witnesses unto them; that their full Consents and Approbations to be Man and Wife ; which they ratified afterward in the Tower, by the begetting of their second Child, and so for the reasons aforesaid, he must needs seem to be legitimate, whatsoever my Lord of *Canterbury* for that time, or in respect of the great Offence taken by the Estate against that Act, did or might determine to the contrary.

*Allegations  
of the House  
of Darby.*

And this is the sum of that which commonly is treated about these two Families of the House of *Suffolk*, to wit, of *Hartford* and *Darby* ; both which Families of *Suffolk* the other two opposite Houses of *Scotland* and *Clarence* do seek to exclude by the first Bastardy, or unlawful Contract between the Queen of *France* and Duke *Charles Brandon*, as hath been seen : Of which Bastardy the House of *Darby* doth endeavour to avoid it self, in manner (as before hath been declared) and preferreth it self in degree of Propinquity, not only before the aforesaid two Houses of *Scotland* and *Clarence* ; but also before this other part of the House of *Suffolk* ;

folk, I mean the Family of *Hartford*, though descended of the elder Daughter; for that the Countess of *Darby* doth hold her self one degree nearer in descent than are the other Pretenders of *Hartford*, as hath been shewed. And albeit there want not many Objections and Reasons of some against this pretence of the House of *Darby*, besides that which I have touched before, yet for that they are for the most part personal Impediments, and do not touch the right or substance of the title, or any other important reason of State concerning the Commonwealth, but only the dislike of the persons that pretend, and of their Life and Government, I shall omit them in this place; for that, as in the beginning I promised, so I shall observe (as much as in me lies) to utter nothing in this Conference of ours that may justly offend; and much less touch the Honour and Reputation of any one Person of the Blood-Royal of our Realm; when the time of admitting or excluding cometh, then will the Realm consider as well of their Persons as of their Rights, and will see what account and satisfaction each person hath given of his former life and doings, and according to that will proceed, as is to be supposed: But to me in this place it shall be enough to treat of the first point, which is of the Right and Interest pretended by way of Succession; And so with this I shall make an end of these Families, and pass over to others that do yet remain.

## CHAP. VII.

*Of the Houses of Clarence and Britany; which contain the Claims of the Earl of Huntington, with the Pooles, as also of the Lady Infanta of Spain, and others of those Families.*

**H**AVING declared the Claims, Rights and Pretences which the two Noble Houses of *Scotland* and *Suffolk*; descended of the two Daughters of King *Henry VII.* have, or may have to the Succession of *England*, with intention afterward to handle the House of *Portugal* apart, which pretendeth to comprehend in it self the whole Body, or at least the first and principal Branch of the ancient House of *Lancaster*, it shall not be amiss, perhaps by the way, to treat in this one Chapter so much as appertaineth to the two several Houses of *Clarence* and *Britany*, for that there is less to be said about them then of the other.

*Why the Earl of Huntington's House is said to be of the House of Clarence*

And first of all, I am of opinion, that the Earl of *Huntington*, and such other pretenders as are of the House of *York* alone, before the Conjunction of both Houses by King *Henry VII.* may be named to be of the House of *Clarence*, and so for distinction sake I do name them, not to confound them with the Houses of *Scotland* and *Suffolk*, which are termed also by the *Lancastrians* to be of the House of *York* alone, for that they deny them to be of the true House of *Lancaster*; but principally I do name them to be of the House of *Clarence*, for that indeed all their Claim and Title to the Crown doth descend from *George Duke of Clarence*, as before in  
the

the third Chapter, and elsewhere hath been declared; which Duke *George* being Brother to King *Edward IV.* and put to death by his order, left Issue *Edward* Earl of *Warwick* and of *Salisbury*, who was put to death by King *Henry VII.* in his youth; and *Margaret* Countess of *Salisbury*, which *Margaret* had Issue by Sir *Richard Poole*, *Henry Poole* Lord *Montague*, afterwards beheaded; and he again *Katharine*, married to Sir *Francis Hastings* Earl of *Huntington*, by whom she had Sir *Henry Hastings* now Earl of *Huntington*, Sir *George Hastings* his Brother yet living, and others; So as the Earl of *Huntington*, with his said Brethren, are in the fourth degree from the said *George* Duke of *Clarence*, to wit, his Nephews twice removed.

Issue of the  
House of  
Clarence

The said *Margaret* Countess of *Salisbury* had a younger Son also, named Sir *Geffrey Poole*, who had Issue another *Geffrey*, and this *Geffrey* hath two Sons alive at this day in *Italy*, named *Arthur* and *Geffrey*, who are in the same degree of distance with the said Earl of *Huntington*, saving that some allege for them, that they do descend all by male-kind from *Margaret*, and the Earl pretendeth by a Woman; whereof we shall speak afterwards.

Issue of  
Sir *Geffrey*  
*Poole*.

Hereby then it is made manifest how the Earl of *Huntington* cometh to pretend to the Crown of *England* by the House of *York* only; which is no other indeed, but by the debarring and disabling of all other former Pretenders, not only of *Portugal*, and of *Britany*, as strangers, but also of the Houses of *Scotland* and *Suffolk*, that hold likewise of the House of *York*; and for the Reasons and Arguments which in the former two Chapters I have set down in particular against every one of them, and shall hereafter also again those that remain; which Arguments and Objections, or any of them, if they should not be found sufficient to exclude the said other Houses, then is the Claim of this House of

The interest  
and pre-  
tence of the  
Earl of  
*Hunting-*  
*ton*.

## A Conference touching Succession

*Huntington* thereby made void; for that it is (as we see by the younger Child of the House of *York*, that is to say by the second Brother; So as if either the pretence of *Lancaster* in general be better than that of *York*, or if in the House of *York* it self any of the forenamed Pretenders descended from King *Edward IV.* as of the elder Brother, may hold or take place, then holdeth not this title of *Clarence*; for that (as I have said) it coming from the younger Brother, must needs be grounded only or principally upon the barring and excluding of the rest that joyntly do pretend. Of which Bars and Exclusions laid by this House of *Clarence* against the rest (for that I have spoken sufficiently in the last two Chapters going before, for so much as toucheth the two Houses of *Scotland* and *Suffolk*, and shall do afterwards about the other two of *Britany* and *Portugal*) I mean in this place to omit to say any more therein, and only to consider what the other Competitors do alledge against this House of *Clarence*, and especially against the pretence of the Earl of *Huntington*, as chief Titler thereof; for to the excluding of him do concur not only those other of opposite Houses, but also the *Pooles* of his own House, as now we shall see.

I.  
Objections  
against the  
Earl of  
*Hunting-*  
ton.

First then, the contrary Houses do alledge generally against all this House of *Clarence*, that seeing their Claim is founded only upon the Right of the Daughter of *George Duke of Clarence*, second Brother to King *Edward IV.* evident it is, that so long as any lawful Issue remaineth of any elder Daughter of the said King *Edward* the elder Brother, (as they say much doth, and cannot be denied) no Claim or Pretence of the younger Brothers Daughter can be admitted; And so by standing upon this, and answering to the Objections alledged before again: the elder Houses, they hold this matter for very clear, and all pretence of this House of *Clarence* utterly excluded.

Second

Secondly, the same opposite Houses do alledge divers Attainders against the principal Heads of the House of *Clarence*, whereby their whole Interests were cut off; as namely, it is to be shewed in three descents one after another, to wit, in Duke *George* himself, the first Head and Beginner of this House, who was Attainted and Executed; and then in the Lady *Margaret* Countess of *Salisbury*, his Daughter and Heir, who was likewise Attainted and Executed; And thirdly, in her Son and Heir *Henry Poole* Lord *Montague* put also to death; from whose Daughters both the Earl of *Huntington* and his Brethren, together with the Children of Sir *Thomas Barrington*, do descend; And albeit some may say that the said House of *Clarence* hath been restored in Blood since those Attainders, yet reply these men, That except it can be shewed that particular mention was made of rehabilitating the same to this pretence of Succession to the Crown, it will not be sufficient; as in like manner they affirm, That the same restoring in Blood (if any such were) hath not been sufficient to recover the ancient Lands and Titles of Honour which this House of *Clarence* had before these Attainders; for that they were forfeited thereby to the Crown; And so (say these men) was there forfeited thereby in like manner (unto the next in Blood not Attainted) this Prerogative of succeeding to the Crown, and cannot be restored again by any general Restauration in Blood, except special mention be made thereof, even as we see that many Houses Attainted are restored daily in Blood, without restorement of their Titles and Dignities; and a present Example we have in the Earl of *Arundel*, restored in Blood, but not to the Title of Duke of *Norfolk*; And this say the opposite Houses against this House of *Clarence*.

Restitution may be in blood without restitution of dignity.

The Pre-  
sence of  
the Pooles  
against  
Hunting-  
ton.

But now thirdly entreth in also against the Earl of *Huntington* the opposition of some of his own Houſe, which is of the Iſſue of Sir *Geffrey Poole*, Brother to his Grand-father, who ſay, That when the Lord *Henry Montague* was put to death, with his Mother the Counteſſe of *Salisbury*, and thereby both their Pretences and Titles cut off in them, then fell ſuch right as they had, or might have, upon the ſaid Sir *Geffrey Poole*, and not upon his Neece the Lady *Katharine*, Daughter of the Lord *Henry* his elder Brother, and Mother of the Earl of *Huntington*; and this for three Cauſes: Firſt, for that he was not Attainted; and ſo whether we reſpect his Grand-father *George Duke of Clarence*, or his Great-grand-father *Richard Duke of York*, the ſaid Right in this reſpect is deſcended to him: And ſecondly, for that he was a degree nearer to the ſaid Duke's Anceſtors than was at that time his Neece *Katharine*; which right of neareſt Propinquity (ſay theſe men) is made good and lawful by all the Reaſons, Examples, Preſidents and Authorities alledged before in the fourth Chapter of this Conference, in favour of Uncles before their Nephews; And it ſhall not need that we ſpeak any thing more of that matter in this place, but only to remit your remembrance to that which herein hath been ſaid before.

Fourthly, they prove the ſame in favour of Sir *Geffrey*, for that the Lady *Katharine* was a Woman, and Sir *Geffrey* a man, whoſe privilege is ſo great in a matter of Succeſſion, (as alſo hath been touched before) that albeit they had been in equal degree, and that Sir *Geffrey* were not a degree before her, as he was; yet ſeeing neither of them, nor their Fathers, were ever in poſſeſſion of the thing pretended, Sir *Geffrey* ſhould be preferred, as hath been ſhewed before by ſome Preſidents, and ſhall be ſeen afterwards in the Caſe of *Portugal*; wherein

wherein the King of *Spain* that now is was preferred to the Crown for that only respect, that his Competitors were Women, and in equal degree of descent with him, and he a Man. And the very like Allegations of Propinquity I heard produced for the Lady *Winifred*, Wife of Sir *Thomas Barrington* (if she be yet alive) to wit, that she is before the Earl of *Huntington* and his Brethren, by this reason of Propinquity in Blood, for that she is one degree nearer to the stock than they.

Fifthly and lastly, both these and other Competitors do alledge against the Earl of *Huntington*, as an important and sufficient bar against his presence, the quality of his Religion; which is, (as they say) that he hath been ever known to favour those who commonly in *England* are called *Puritans*, and not favoured by the State; but yet this stop is alledged diversly by Competitors of divers Religions: For that such as are followers and favourers of the form of Religion received and defended by publick Authority of *England* at this day, whom, for distinction-sake, men are wont to call by the name of *moderate Protestants*; these (I say) do urge this Exclusion against the Earl of *Huntington*, not upon any certain Law or Statute extant against the same, but *ab equo & bono*, as men are wont to say, and by reason of State, shewing infinite inconveniencies, hurts, damages and dangers that must needs ensue, not only to the present State of Religion in *England*, but also to the whole Realm and Body-politick, if such a man shall be admitted to govern. And this Consideration of State in their opinion is a more forceable Argument for Excluding such a man, then any Statute or particular Law against him could be; for that this comprehendeth the very intention, meaning and drift of all Laws and Law-makers of our Realm, whose intentions must needs be presumed to have been at

*Objections  
of Religion*



## A Conference touching Succession

all times to have Excluded so great and manifest inconveniencies : And thus they say.

But now those that are of the *Roman* Religion, and contrary both to *Puritan* and *Protestant*, do urge a great deal further this Argument against the Earl, and do alledge many Laws, Ordinances, Decrees and Statutes both of the Canon and Imperial Laws, as also out of the old Laws of *England*, which (in their opinion) do debar all that are not of their Religion, and consequently they would hereby Exclude both the one and the other Pretenders. And in fine, they do conclude, that seeing there wanteth not also some of their own Religion (called by them the Catholick) in the House of *Clarence*, they have so much the less difficulty to exclude the Earl of *Huntington's* person for his Religion, if one of that House were to be admitted of necessity.

The House  
of Britany.

And this is so much as seemeth needful to be spoken at this time, and in this place, of this House of *Clarence*, and of the Pretenders thereof. It resteth then that I treat something also of the House of *Britany* and *France*, which two Houses are joyned all in one, for so much as may appertain to any Inheritance or Pretence to *England*, or to any parcel or particular state thereof, at home or abroad, that may follow the Succession or Right of Women, which the Kingdom of *France* in it self doth not, as is known; and consequently a Woman may be Heir to the one, without the other; that is to say, she may be Heir to some particular states of *France* inheritable by Women, though not to the Crown it self, and so do pretend to be the two Daughters of *France* that were Sisters to the late King *Henry III.* which Daughters were married, the one to the King of *Spain* that now is, who had Issue by her the Infanta of *Spain*, yet unmarried, and her younger Sister married to the Duke of *Savoy*; and the other,

other, to wit, the younger Daughter of the King of France was married to the Duke of Lorrain, yet living, by whom she had the Prince of Lorrain and other Children that live at this day.

This then being so clear as it is, first, that according to the common course of Succession in England, and other Countries, and according to the course of all Common Law, the Infanta of Spain should inherit the whole Kingdom of France, and all other States thereunto belonging, she being the Daughter and Heir of King Henry II. of France, whose Issue-male of the direct line is wholly extinct; but yet for that the French do pretend their Law Salique to exclude Women, (which we English have ever denied to be good until now) hereby cometh it to pass that the King of Navarre pretendeth to enter, and to be preferred before the said Infanta, or her Sisters Children, though Male, by a Collateral Line. But yet her favourers say, (I mean those of the Infanta) that from the Dukedoms of Britany, Aquitain, and the like, that came to the Crown of France by Women, and are Inheritable by Women, she cannot be in right debarred; as neither from any Succession or Pretence to England, if (either by the Blood-Royal of France, Britany, Aquitain, or of England it self) it may be proved that she hath any Interest thereunto, as her favourers do affirm that she hath, by these reasons following:

*The course of Inheritance in the Crown of France.*

First, for that she is of the ancient Blood-Royal of England, even from the Conquest, by the elder Daughter of William the Conquerour, married to Alan Fergant Duke of Britany, as hath been shewed before in the second Chapter, and other places of this Conference; And of this they infer three Consequences: First, when the Sons of the Conquerour died without Issue, or were made incapable of the Crown, (as it was presumed at least-wise of King

*First pretence of the Infanta to England.*

X.

Henry

2.  
Polyd. in  
vit. Guil.  
Rufus

3.

Second pre-  
tence of the  
Infanta of  
Spain.

Pretence to  
Aquitain.

*Henry I.* last Son of the Conquerour, that he lost his Right for the violence used to his elder Brother *Robert*, and unto *William* the said *Robert's* Son and Heir) they (say these men) ought the said *Dutchess* of *Britany* to have entred as eldest Sister. Secondly, they say, That when Duke *Robert*, that both by right of Birth, and by expresse Agreement with *William Rufus*, and with the Realm of *England* should have succeeded next after the said *Rufus* came to die in Prison, the said Lady *Constance* should have succeeded him; for that his Brother *Henry* being culpable of his Death, could not in right be his Heir. And thirdly, they say, That, at least wise, after the death of the said King *Henry I.* she and her Son (I mean Lady *Constance*, and *Conan* Duke of *Britany*) should have entred before King *Stephen*, who was born of *Adela* the younger Daughter of *William the Conquerour*.

Secondly, they do alledge, That the Infanta of *Spain* descendeth also lineally from Lady *Eleanor*, eldest Daughter of King *Henry II.* married to King *Alonso* the ninth of that name King of *Castile*, whose eldest Daughter and Heir, named *Blanch*, (for that their only Son *Henry* died without Issue) married with the Prince *Lewis VIII.* of *France*, who was Father by her to King *St. Lewis* of *France*, and so hath continued the Line of *France* unto this day, and joyned the same afterwards to the House of *Britany*, as hath been declared: So as the Infanta cometh to be Heir general of both those Houses, that is, as well of *Britany* as *France*, as hath been shewed. And now by this her descent from Queen *Eleanor* Daughter of King *Henry II.* her favourers do found divers Pretences and Titles, not only to the States of *Aquitain*, that came to her Father by a Woman, but also to *England*, in manner following: First, for *Aquitain*, they say it came to King *Henry II.* by his Wife *Eleanor*, Daughter of *William Duke*

(well)

Duke of *Aquitain*, as before in the second Chapter at large hath been declared; and for that the most part thereof was lost afterwards to the *French* in King *John's* time, that was fourth Son to the afore-said King *Henry*, it was agreed between the said King *John* and the *French-King Philip*, that all the States of *Aquitain* already lost to the *French*, should be given in Dowry with the said *Blanch* to be married to *Lewis VIII.* then Prince of *France*, and so they were; And moreover, they do alledge, That not long after this, the same States with the residue that remained in King *John's* hands, were all adjudged to be forfeited by the Parliament of *Paris* for the Death of Duke *Arthur*, and consequently did fall also upon this Lady *Blanch*, as next Heir capable of such Succession unto King *John*, for that yet the said King *John* had no Son at all; and for this cause, and for that the said States are Inheritable by Women, and came by Women, as hath been often said, these men affirm, That at this day they do by Succession appertain unto the said Lady Infanta of *Spain*; and not unto the Crown of *France*.

Polyd in  
vit. Johan.  
& Garib. in  
vit. Alfons.

To the Succession of *England* also they make pretence, by way of the said Lady *Blanch* married into *France*, and that in divers manners: First, for that King *John* of *England*, by the Murther of Duke *Arthur* of *Britany* his Nephew, (which divers Authors do affirm, as *Stow* also witnesseth, was done by King *John's* own hands, he forfeited all his States, though his right to them had been never so good; and for that this Murther happened in the fifth year of his Reign, and four years before his Son *Henry* was born, none was so near to succeed at that time as was this Lady *Blanch* married into *France*, for that she was Daughter and Heir unto King *John's* elder Sister *Eleanor*, or the said Lady *Eleanor* her self Queen of *Spain*, should have succeeded; for that

Pretences  
to England  
by Lady  
Blanch.

Stow in vit.  
Johannis.

that she yet lived, and died not (as appeareth by  
 Garib. l. 12 *Stephen Garribay* Chronicler of *Spain*) until the year  
 c. 38. of Christ 1214. which was not until the fifteenth  
 year of the Reign of King *John*, and one year only  
 before he died, so as he having yet no issue when  
 this Murther was committed, and losing by this  
 forfeit all the right he had in the Kingdom of *Eng-  
 land*, it followeth that the same should have gone  
 then to his said Sister, and by her to this  
 Lady *Blanch*, her Heir and eldest Daughter, mar-  
 ried into *France*, as hath been said; which forfeit  
 also of King *John* these men do confirm, by his De-  
 privation by the Pope that soon after ensued, as also  
 by another Deprivation made by the Barons of his  
 Realm, as after shall be touched.

3. Furthermore, they say, That when *Arthur* Duke  
 Pretence by of *Britain* (whom to this effect they do hold to  
 Arthur have been the only true Heir at that time to the  
 Duke of Kingdom of *England*) was in Prison in the Castle  
 Britany. of *Roan*, suspecting that he should be murdered by  
 his said Uncle King *John*, he nominated this Lady  
*Blanch*, his Cousin-german to be his Heir, perswa-  
 ding himself that he (by the help of her Husband  
 Prince *Lewis* of *France*, and her Father the King of  
*Spain*) should be better able to defend and recover  
 his or her right, to the Crown of *England*, than *Ele-  
 anor* his own Sister should be, who was also in the  
 hands of his said Uncle; for that he supposed that  
 she should be made away by himself shortly after;  
 as indeed the *French* Chronicler affirmeth that she  
 was. And howsoever this matter of Duke *Arthur's*  
 Testament was, yet certain it is, that when he and  
 his Sister were put to death, the next in Kin that  
 could succeed them in their right to *England* was  
 this Lady *Blanch*, and her Mother Queen *Eleanor*,  
 that was Sister to *Arthur's* Father *Giffrey* Duke of  
*Britany*; for that King *John* their Uncle was presu-  
 med by all men to be incapable of their Inheri-  
 tance;

Belfor. l. 3.  
 c. 71. Hist.  
 Fran.

tance, by his putting of them to death, and Child he had yet none; And this is the second point that these men do deduce for the Lady Infanta of *Spain*, by the title of Queen *Eleanor* and her Daughter *Blanch*, to whom the Infanta is next Heir.

A third Interest also the same men do derive to the Infanta, by the actual Deposition of King *John* by the Barons and States of this Realm in the 16th. year of his Reign, and by the Election and actual Admission of *Lewis* Prince of *France*, Husband of Lady *Blanch*, whom they chose with one consent, and admitted, and swore him Fealty and Obedience in *London*, for him, and for his Heirs and Posterity, in the year 1217. and gave him Possession of the said City and Tower of *London*, and of many other chief places of the Realm; and albeit afterwards the most part of the Realm changed their minds, upon the sudden death of the said King *John*, and chose and admitted his young Son *Henry III.* a Child of 9 years old, yet do the favourers of the Infanta say, That there remaineth to her as Heir unto the said *Lewis*, until this day, that Interest which by this Election, Oath and Admission of the Realm remained unto this Prince *Lewis*, which these men affirm to be the very like case as was that of *Hugo Capetus* in *France*, who came to be King especially upon a certain Title that one of his Ancestors named *Odo* Earl of *Paris* had, by being once elected King of *France*, and admitted and sworn, though afterwards he was deposed again, and young *Charles*, surnamed *the Simple* was admitted in his place, as *Henry III.* was in *England*, after the Election of *Lewis*: But yet as the other ever continued his Right and Claim till it was restored to *Hugo Capetus* one of his Race, so (say these men) may this Infanta continue and renew now the Demand of King *Lewis* her Ancestor; for that Title

Election of  
Lewis VIII.  
to be King  
of England.

Polyd l. 5.  
Hist. Angl.  
Hollingf. &  
Stow in vir.  
Johannis.

Belfor. l. 2.  
c. 67.  
Girrad. l.  
5. Histor.  
Baudin. an.  
891. chron.  
France.

ties and Interests to Kingdoms, once rightly gotten, do never die, but remain ever for the Posterity to effectuate when they can. And thus much of this matter.

*Pretence by  
Descent  
from Hen-  
ry III.*

But after this again, these men do shew, how that the said Infanta of *Spain* doth descend also from *Henry III.* son of King *John*, by the Dukes of *Britany*, as before in the second Chapter hath been declared, and in the Arbor and Genealogy following in the end of this Conference shall be seen; for that King *Henry*, besides his two Sons *Edward* and *Edmond*, which were the beginners of the two Houses of *York* and *Lancaster*, had also a Daughter named *Beatrix*, married to *John* the second of that Name, Duke of *Britany*, and by him she had *Arthur II.* and so lineally from him have descended the Princes of that House, until their Union with the Crown of *France*, and from thence unto this Lady Infanta of *Spain* that now is, who taketh her self for proper Heir of the said House of *Britany*, and Heir general of *France*, as hath been said.

*Admission  
by Composition.*

By this Conjunction then of the House of *Britany* with the Bloud-Royal of *England*, the Friends of the Infanta do argue in this manner, That seeing she descendeth of the Sister of these two Brothers which were the Heads of the two opposite Houses of *Lancaster* and *York*; and considering that each of these Houses hath often-times been Attainted, and Excluded from the Succession by sundry Acts of Parliament, and at this present are opposite, and at contention among themselves, why may not this right of both Houses (say these men) by way of Composition, Peace and Comprize at least be passed over to the Issue of their Sister, which resteth in the Infanta?

( Again, they say, That all these three Branches of the Lines, to wit, by the Lady *Constance* Daughter of King *William the Conquerour* by the Lady *Eleanor* Daughter

Daughter of King Henry II. and by the Lady Beatrix Daughter of King Henry III. it is evident, that this Lady the Infanta of Spain is of the true ancient Blood-Royal of England, and that divers ways she may have Claim to the same; which being granted, they infer, That seeing matters are so doubtful at this day, about the next lawful Succession, and that divers of the Pretenders are excluded, some for Bastardy, some other for Religion, some for unaptness to Govern, and some for other Causes; and seeing the Commonwealth hath such Authority to dispose in this Affair, as before the Civil-Lawyer hath declared, why may there not Consideration be had among other Pretenders, of this noble Princess also (say these men) especially, seeing she is unmarried, and may thereby commodate many matters, and salve many breaches, and satisfy many hopes, and give contentment to many desires, as the world knoweth.

And this is in effect as much as I have heard alleged hitherto in favour of the Infanta of Spain; but against this Pretence others do produce divers Arguments and Objections; As first of all, That these her Claims be very old, and worn out, and are but Collateral by Sisters. Secondly, That she is a Stranger and Alien born. Thirdly, That her Religion is contrary to the State. Unto all which Objections, the favourers aforesaid do make their Answers; And to the first, they say, That Antiquity hurteth not the goodness of a Title, when occasion is offered to advance the same; especially in Titles belonging to Kingdoms, which commonly are never presumed to die, as hath been said, and *Nullum tempus occurrit Regi* saith our Law. And as for Collateral Lines, they say, That they may lawfully be admitted to enter when the direct Lines do either fail, or are excluded, for other just respects, as in our Case they hold that it happeneth.

*Objections  
against the  
Infanta's  
pretence.*

And



And as for the second point of Foreign Birth, they say there hath been sufficient answer before, in treating of the House of *Scotland*, that in rigour it is no bar, by intencion of any *English* Law; yet whether in reason of State and politick Government, it may be a just impediment or no, it shall after be handled more at large, when we come to treat of the House of *Portugal*. To the last point of Religion they answer, that this impediment is not universal, nor admitted in the Judgment of all men, but only of those *English* that be of different Religion from her. But to some others (and those many, as these men do ween) her Religion will rather be a motive to favour her Title, then to hinder the same: so that on this ground no certainty can be builded, and this is as much as I have to say at this time, of these two Families of *Clarence* and *Britany*.

## CHAP. VIII.

*Of the House of Portugal, which containeth the Claims as well of the King and Prince of Spain to the succession of England, as also of the Dukes of Parma and Bragança by the House of Lancaster.*

*The Princes of Portugal are of the House of Lancaster.*

**I**T hath been oftentimes spoken before upon occasions offered, that the Princes of the House of *Portugal* at this day, do perswade themselves that the only remainder of the House of *Lancaster* resteth among them, as the only true Heirs of the *Lady Blanch* Dutcheß and Heir of *Lancaster*, and first Wife of *John of Gaunt*; which point of these Princes descents from the said Dutcheß of *Lancaster*, though it be declared sufficiently before in the third

third and fourth Chapters, yet will I briefly here also set down and repeat again the reasons thereof, which are these that follow.

*John of Gaunt* was Duke of *Lancaster* by the right of his first Wife Lady *Blanch*, and had by her only one Son, as also one Daughter, of whom we need here to speak, for that the other hath left no Issue now living. The Son was King *Henry* the 4th. who had Issue King *Henry* the 5th. and he again *Henry* the 6th. in whom was extinguished all the succession of this Son *Henry*:

The daughter of *John of Gaunt* by Lady *Blanch* was called *Philippa*, who was married to *John* the first King of that name of *Portugal*, who had Issue by him King *Edward*, and he again had Issue King *Alfonso*, the fifth King of *Portugal*, and he and his off-spring had Issue again the one after the other until our times; and so by this marriage of Lady *Philippa*, to their first King *John*, these Princes of the House of *Portugal* that live at this day, do pretend that the Inheritance of *Lancaster* is only in them, by this Lady *Philippa*, for that the succession of her elder Brother King *Henry* the fourth, is expired long ago. This in effect is their pretence, but now we will pass on to see what others say, that do pretend also to be of the House of *Lancaster* by a latter marriage.

*The Issue of Lady Philippa Qu. of Portugal.*

*John of Gaunt* after the death of his first Wife Lady *Blanch*, did marry again the Lady *Constance* daughter of King *Peter* (surnamed the Cruel) of *Castile*, and had by her one daughter only named *Catharine*, whom he married afterward back to *Castile* again, giving her to Wife to King *Henry* the third of that name, by whom she had Issue King *John*, and he others; so as lineally King *Philip* of *Spain* is descended from her, which King *Philip* being at this day King also of *Portugal*, and chief Titler of that House unto *England*, he joy

*Issue of John of Gaunt by his later Wife.*

*See the Account in the end of this Book.*

the Inheritance of both the two daughters of *John* of *Gaunt*, in one, and so we shall not need to talk of these two daughters hereafter distinctly, but only as of one, seeing that both their descents do end in this one man.

*The point  
of diffi-  
culty.*

The only difficulty and dissention is then, about the Issue of the third marriage, which was of *John* of *Gaunt* with *Lady Catharine Swinford*, whom he first kept as a Concubine, in the time of his second Wife *Lady Constance*, as before hath been shewed in the third Chapter, and begat of her four Children; and after that his Wife *Lady Constance* was dead, he took her to Wife, for the love he bare to his Children, a little before his death, and caused the said Children to be legitimated by Authority of Parliament: and for that none of these four Children of his, have left Issue, but only one, that was *John* Earl of *Somerset*, we shall speak only of him, omitting all the rest.

*Issue of  
Catharine  
Swinford.*

This *John* then Earl of *Somerset*, had Issue another *John*, which was made Duke of *Somerset* by King *Henry* the sixth, who with his three Sons were slain by the Princes of the House of *York*, in the quarrel of *Lancaster*, and so left only one daughter named *Margaret*, who by her Husband *Edmond Tudor* Earl of *Richmond*, was Countess of *Richmond*, and had by him a Son named *Henry* Earl of *Richmond*, that was after King, by the name of King *Henry* the seventh, and from him all his Descendents both of the House of *Scotland* and *Suffolk*, do pretend also to be of the House of *Lancaster*, which yet can be no otherwise then now hath been declared, to wit, not from *Blanch* first Wife and Heir of the Dutchy of *Lancaster*, but from *Catharine Swinford* his third Wife: wherein riseth the question, whether those men (I mean King *Henry* the seventh, and his descendents) may properly be said to be of the true House of *Lancaster*,

*The principal  
question.*

ster, or no? Whereunto some do answer with a distinction, to wit, that to the Dutchy of *Lancaster*, whereof the first Wife Lady *Blanch* was Heir, these of the third marriage cannot be Heirs, but only the remainder of the Issue of the said Lady *Blanch*, that resteth in the Princes of the House of *Portugal*. But yet to the Title of the Crown of *England*, which came by *John* of *Gaunt* himself, in that he was third Son of King *Edward* the third, and eldest of all his Children that lived when the said King *Edward* died; (by which is pretended also, that he should have succeeded immediately after him, before King *Richard* the second, as before in the fourth Chapter hath been declared) to this Right (I say) and to this Interest of the Crown, which came by *John* of *Gaunt* himself, and not by Lady *Blanch*, or by any other of his Wives. the descendents of King *Henry* the seventh do say, that they may and ought to succeed; for that *John* Earl of *Somerset*, eldest Son of *John* of *Gaunt* by Lady *Catharine* *Swinford*, though he were begotten out of matrimony, yet being afterward made legitimate, he was to inherit this right of *John* of *Gaunt* his Father, before the Lady *Philippa* his Sister; for that so we see that King *Edward* the sixth, though younger, and but half-brother unto the Lady *Mary* and *Elizabeth* his Sisters, yet he inherited the Crown before them: and in like manner is Lord *Philip* Prince of *Spain* at this day to inherit all the States of that Crown, before his two Sisters, that be elder then he: and so likewise say these men, ought *John* of *Somerset* to have done before *Philippa* his eldest Sister, if he had been alive at that time, when King *Henry* the sixth was put down and died; and consequently his posterity, which are the descendents of King *Henry* the seventh, ought to enjoy the same before the Princes of *Portugal*, that are the descendents of Lady *Philippa*.

Answer.

Dutchy of  
Lancaster.

The Crown.

An example  
of Edward the  
sixth, and  
of the  
Prince of  
Spain.

*lippa* his Sister. Thus say the issue of King *Henry* the seventh.

*Replies of  
the House of  
Portugal.*

*The Duke-  
dom of  
Lancaster.*

But to this the Princes of the House of *Portugal* do reply, and say, first, That by this it is evident at least, that the Dukedom of *Lancaster*, whereof the Lady *Blanch* was the only Heir, must needs appertain to them alone, and this without all doubt or controversie, for that they only remain of her Issue, after extinguishing of the posterity of her elder Brother King *Henry* the fourth, which was extinguished by the death of King *Henry* the sixth, and of his only son Prince *Edward*; and for this they make no question or controversie, assuring themselves that all Law, right and equity, is on their side

*The Legiti-  
mation of  
Catherin  
Swinfords  
Children  
not lawfull.*

Secondly, Touching the Succession and right to the Kingdom, they say, that *John* Earl of *Somerset* being born out of Wedlock, and in Adultery, for that his Father had an other Wife alive, when he begot him, and he continuing a Bastard so many years, could not be made Legitimate afterward by Parliament to that effect of Succession to the Crown, and to deprive Queen *Philippa* of *Portugal*, and her Children born before the other Legitimation, from their right and Succession, without their consents, for that *John* King of *Portugal*, did Marry the said Lady *Philippa*, with condition to enjoy all Prerogatives, that at that day were due unto her; and that at the time when *John* of *Gaunt* did Marry the said Lady *Catherine Swinford*, and made her Children Legitimate by Act of Parliament ( which was in the year of Christ 1396.

*Stow in vit.  
Richar. 2.*

*Garribay  
hist. Portu-  
gal. l. 35.  
cap. 4.*

and 1397. ) the said Lady *Philippa* Queen of *Portugal*, had now two Sons living, named *Don Alonso*, and *Don Edwards*, which were born in the years 1390. and 1391 that is six years before the Legitimation of *John* Earl of *Somerset*, and his Brethren; and thereby had *jus acquisitum*, as the Law

Law saith, which right once acquired and gotten, could not be taken away by any Posterior Act of Parliament afterward, without consent of the parties Interessed, for which they do alledge divers places of the Canon Law, which for that they hold not in *England*, I do not cite, but one example they put to shew the inconvenience of the thing (if it should be otherwise determined then they affirm) which is, that if King *Henry* the eighth that had a Bastard Son, by the Lady *Elizabeth Blunt*, whom he named *Henry Fitz-roy*, and made him both Earl of *Nottingham*, and Duke of *Richmond* and *Somerſet*, in the 18th. year of his Reign, at what time the said King had a lawful Daughter alive, named the Princess *Mary*, by Queen *Catherine* of *Spain*; if (I say) the King should have offered to make this Son Legitimate by Parliament, with intent to have him succeeded after him, in the Crown, to the prejudice and open injury of the said lawful Daughter, these Men do say that he could not have done it, and if he should have done it by violence, it would not have held, and much less could *John* of *Gaunt* do the like, being no King. Nor was the Act of Parliament sufficient for this point, it being a matter that depended especially (say these men) of the Spiritual Court, and of the Canon Law, which Law alloweth this Legitimation no further, but only as a Dispensation; and this so far forth, only as it doth not prejudice the right of any other.

Note this  
example.  
Stow in vit.  
*Henrici* 2.

Neither helpeth it any thing in this matter, the Marriage of *John* of *Gaunt* with Lady *Catherine*, for to make better this Legitimation; for that as hath been said, their Children were not only *naturales* but *Spurij*, that is to say, begotten in plain Adultery, and not in simple Fornication only; for that the one party had a Wife alive, and consequently the priveledge that the Law giveth to the Subsequent

*John* of  
*Gaunt*  
Marriage  
with *Ca-*  
*therine*  
*Swinford*  
helpeth not  
the Legiti-  
mation.

Marriage of the Parties for legitimating such Children as are born in simple Fornication; that is to say, between parties that were single, and none of them married, cannot take place here; So as these men conclude, that albeit this Legitimation of Parliament might serve them to other purposes, yet not to deprive the Princes of *Portugal* of their Prerogative, to succeed in their Mothers Right, which she had when she was married to their Father.

The Question  
between  
Lady Phil-  
lipa and  
John of So-  
merfet.

And this they affirm to have been Law and Right at that time, if the said Queen *Philippa*, and Earl *John* had been alive together, when *Henry* the sixth and his Son were put to death; and that this Question had been then moved at the death of King *Henry* the sixth, Whether of the two, (to wit, either the said Queen *Philippa*, or her younger Brother *John* Earl of *Somerfet*, by the Fathers side only) should have succeeded in the Inheritance of King *Henry* the sixth? In which case, these men presume for certain, that the said Queen *Philippa*, legitimately born, and not *John*, made legitimate by *Parliament*, should have succeeded; for that (by common course of Law) the Children legitimated by favour, albeit their legitimation were good and lawful, (as this of these Children is denied to be) yet can they never be made equal, and much less be preferred before the lawful, and legitimate by Birth.

But now (say these men) the case standeth at this present somewhat otherwise, and more for the advantage of Queen *Philippa*, and her Off-spring; For, when King *Henry* the sixth and his Son were extinguished, and *Edward* Duke of *York* thrust himself in to the Crown, (which was about the year of Christ 1471.) the foresaid Princess and Prince, Lady *Philippa* and Earl *John*. were both dead, as also, their Children, and only their Nephews were alive, that is to say, there lived in  
*Portugal*

*Portugal King Alonsus*, the fifth of that name, Son to King *Edward*; which King *Edward* was Child to Queen *Philippa*; and the death of King *Henry* the sixth of *England* happened in the 38<sup>th</sup>. year of the Reign of the said *Alonsus*: And in *England* lived at the same time Lady *Margaret*, Countess of *Richmond*, Mother of King *Henry* the seventh, and Neece of the foresaid *John* Earl of *Somerset*, to wit, the Daughter of his Son *John* Duke of *Somerset*; So as these two Competitors of the House of *Lancaster*, that is to say, King *Alonsus* and Lady *Margaret* were in equal degree from *John* of *Gaunt*, as also, from King *Henry* the sixth, saving that King *Alonsus* was of the whole Bloud, (as hath been said) and by Queen *Philippa*, that was legitimate; and the Countess of *Richmond* was but of the half bloud, as by *John* Earl of *Somerset*, that was a *Bastard* legitimated.

The Question then is, Which of these two should have succeeded, by Right of the House of *Lancaster*, immediately after King *Henry* the sixth? And the Lady *Margaret* alledgeth, That she was descended from *John* Earl of *Somerset*, that was a man, and therefore to be preferred; And King *Alonsus* alledged, That he being in equal degree of nearness of Bloud, with the same Countess, (for that both were Nephews) was to be preferred before her, for that he was a man, and of the whole Bloud to the last Kings of the House of *Lancaster*, and that she was a woman, and but of the half Bloud; so that three Prerogatives he pretended before her: First, That he was a man, and she a woman: Secondly, That he descended of the lawful and elder Daughter, and she of the younger Brother legitimated: And thirdly, That he was of whole Bloud, and she but of half. And, for better fortifying of this proof of his Title, these men do alledge a certain Case, determined by the Learned of our days, as they say

*The Question between the Nephews.*



say; wherein (for the first of these three Causes only) the Succession to a Crown was adjudged unto King *Philip of Spain*, to wit, the Succession to the Kingdom of *Portugal*; which Case was in all respects correspondent to this of ours; For that *Emmanuel King of Portugal* had three Children, for so much as appertaineth to this Affair, (for afterward I shall treat more particularly of his Issue) that is to say, two Sons and one Daughter, in this order, *John*, *Elizabeth*, and *Edward*; even as *John of Gaunt* had *Henry*, Lady *Philippa*, and *John*.

The Case of  
Succession  
in Portugal

Prince *John of Portugal*, first Child of King *Emmanuel*, had Issue another *John*, and he had *Sebastiane*, in whom the Line of *John* the first Child was extinguished: But *John's* Sister *Elizabeth*, was married to *Charles* the Emperour, and had Issue King *Philip of Spain* that now liveth. *Edward* also, younger Brother to *Elizabeth* or *Isabel* had Issue two Daughters, the one married to the Duke of *Parma*, and the other to the Duke of *Bargansa*; so as King *Philip* was in equal degree with these Ladies, in respect of King *Emmanuel*; for that he was Son to his eldest Daughter, and the two Dutchessees were Daughters to his younger Son; And upon this rested the Question, Which of these should succeed? and it was decided, That it appertaineth unto King *Philip*, for that he was a man, and his Mother was the elder Sister; though if King *Philip's* Mother, and the two Dutchessees Father (I mean Lord *Edward of Portugal*) had been alive together, no doubt but that he (being a man) should have borne it away; which (these men say) holdeth not in our Case; but it is much more to our advantage; for that it hath been shewed before, that if Queen *Philippa* had been alive with *John* Earl of *Somerset*, at the death of King *Henry* the sixth, she should have been preferred, as legitimate by Birth, and therefore

therefore much more ought her Nephew King *Alfonfus* to have been preferred afterward, in that he was a man, before the Neece of the said *John* Earl of *Somerſet*, that was but a Woman. Thus far they.

And besides all this, they do add, (as often before I have mentioned) that King *Alfonſus* was of the whole Bloud unto all the three King *Henries* of the Houſe of *Lancaſter*, and the Counteſſe of *Richmond* was but of the half bloud : And for more ſtrengthening of this Argument, they do ſay further, that beſides that Intereſt or Right to the Crown which King *Henry* the fourth (who was the firſt King of the Houſe of *Lancaſter*) had by his Father *John* of *Gauſt*, in that the ſaid *John* was third Son of King *Edward* the third, the ſaid King *Henry* had divers other intereſts alſo which came of himſelf only, and not from his ſaid Father ; as were (for example) his being called into the Realm by general voice of all the people ; his right gotten by Arms, upon the evil Government of the former King ; the perſonal reſignation and delivery of the Kingdom by ſolemn inſtrument made unto him by King *Richard* ; his Election alſo by *Parliament*, and Coronation by the Realm ; and finally, the quiet Poſſeſſion of him and his Poſterity for almoſt ſixty years, with many Confirmations of the whole Realm, by divers Acts of *Parliament*, Oaths, and and other Affurances, as the World knoweth ; So many (I mean) and ſo authentical, as could poſſibly be deviſed or given ; And beſides all this, that when King *Richard* was dead, he was next in degree of Propinquity unto him, of any man living ; for that the Sons of *Roger Mortimer* were two degrees further off than he, as hath been ſhewed before. All which particular Rights and Intereſts were peculiar to *Henry* the fourth's perſon, and were not in his Father *John* of *Gauſt*, and therefore

*The proper Intereſt of King Henry the 4th. cannot deſcend to King Henry the 7th.*

fore cannot possibly descend from him to the Issue of *John* Earl of *Somerset*, but must pass rather to the Issue of King *Henry*'s true Sister the Queen *Philippa* of *Portugal*; And this though it be supposed that otherwise it might be granted (as they say it may not) that *John* Earl of *Somerset* and his Successors might succeed to *John* of *Gaunt* before Lady *Philippa*; which thing, (say these men) if it should be granted, yet cannot he succeed to King *Henries* the fourth, fifth and sixth, that descended of *Blanch*. And this is in effect all that I have heard disputed about this point, what Line is true Heir to the House of *Lancaster*, to wit, whether that of *John* Earl of *Somerset*, born of *Katharine Swinford* (from whom descendeth King *Henry* the seventh and his Posterity) or else that of Queen *Philippa* of *Portugal*, born of Lady *Blanch*, from whom are come the foresaid Princes of *Portugal*.

Who are the  
Princes of  
*Portugal*,  
and how  
they pre-  
tend to  
*England*.

But now it remaineth to examine somewhat in this place also, what and who are these Princes of the House of *Portugal*, so often named before, and what pretence of Succession they and every of them have or may have unto the Crown of *England*? For better understanding whereof, it shall be needful to explain somewhat more at large the foresaid Pedigree of King *Emmanuel* of *Portugal*; who albeit by divers Wives he had many Children, yet fix only that he had by one Wife, of whom there remaineth hitherto Issue) are those which may appertain unto our purpose to speak of, in respect of any pretence that may be made by them towards *England*; supposing always (which is most true) that the said King *Emmanuel* was descended lineally as true and direct Heir from the foresaid Lady *Philippa* Queen of *Portugal* that was Daughter of *John* of *Gaunt* by his first Wife Lady *Blanch*, Dutches and Heir of the Dukedom of *Lancaster*, and Sister to King *Henry* the fourth, first King of the House

House of *Lancaster*; so as, by her, doth, or may pretend the whole Posterity of the said King *Emmanuel*, unto whatsoever the said *Phillippa* might Inherit from her Father or Mother, or from her said Brother King of *England* or his Posterity.

The six Children then of King *Emmanuel* were these following, and each of them born as here they are set down; first Prince *John* that was King after his Father, by the Name of *John* the third. Secondly, the Lady *Isabel*, Married to the Emperor *Charles* the fifth, and Mother to King *Philip* of *Spain* that now liveth. Thirdly Lady *Beatrix*, Married to *Charles* Duke of *Savoy*, and Mother to Duke *Philibert*, the last Duke that Died, and Grand-mother to this that now Liveth. Fourthly Lord *Lewis*, Father to *Don Antonia* that now is in *England*. Fifthly Lord *Henry*, that was Cardinal and Archbishop of *Ebora*, and in the end King of *Portugal*. And sixthly Lord *Edward*, that was Father of the two Dutcheffes of *Parma* and *Bragansa*, to wit, of the Lady *Mary*, and Lady *Catharine*, both which left goodly Issue; for that Lady *Mary* hath left by the last Duke of *Parma*, Lord *Ranntius* that is now Duke of *Parma*, and Lord *Edward* that is Cardinal: And the Lady *Catharine* Dutcheffs of *Bragansa* that yet liveth, hath Issue divers goodly Princes, as the Lord *Theodosius*, that is now Duke of *Bragansa*, and three younger Brothers, to wit, *Edward*, *Alexander* and *Philip*, young Princes of great expectation; and these are the Children of King *Emmanuel*, whose particular Successions and Issues I shall declare somewhat more in particular.

Prince *John* of *Portugal* afterward King, by name of King *John* the Third, had Issue another *John* that was Prince of *Portugal*; but died before his Father, and left a Son Named *Sebastian*, who was King, and slain afterward by the *Moors* in *Barbary*, and so ended this first Line.

The Issue  
of King  
*Emmanuel*  
of *Portu-  
gal*.

Issue of  
*K. John the*  
3. of *Portu-  
gal*.

The

K. Lewis  
Father of  
Don Antonio.

K. Henry  
Cardinal.

The second Son, and fourth Child of King *Emmanuel*, was Named Lord *Lewis*, and died also without Issue Legitimate, as is supposed; for that *Don Antonio* his Son, that afterward was proclaimed King by the People of *Lisbone*, and now liveth in *England*, was taken by all men to be unlawful, as presently more at large shall be shewed; so as after the Death of King *Sebastian*, there entred the Cardinal Lord *Henry*, which was third Son of King *Emmanuel*, and Great-Uncle to *Sebastian* lately Deceased, for that he was Brother to King *John* the third, that was Grand Father to King *Sebastian*: And albeit there wanted not some (according as the Authors Write, which afterward I shall Name) who affirmed and held, that King *Philip* of *Spain* should have succeeded King *Sebastian* before the Cardinal, for that he was nearer in Consanguinity to him than was the Cardinal; for that, besides that King *Philip* was Son of King *Emmanuel*'s Eldest Daughter, he was Brother also to King *Sebastian*'s Mother; yet the said Cardinal entred peaceably, and by consent of all parties; but for that he was Old, and Unmarried, and not like to leave any Child of his own; there began presently the Contention in his days, who should be his Successor.

The pretence of the  
Queen Mother of  
France to  
Portugal.

To which Succession did pretend five Princes of the Blood-Royal of *Portugal*, besides the Lady *Catharine* Queen-Mother of *France*, who pretended by her Mothers side to be Descended of one Lord *Ralph* Earl of *Bullain* in *Piccardy*, which *Ralph* was Eldest Son of *Alfonfus* the third King of *Portugal*; which *Alfonfus* before he was King, to wit, in the time of his Eldest Brother King *Sancho* of *Portugal*, was Married to the Countess and Heir of *Bullain* Named *Matbildis*, and had by her this *Ralph*: But afterwards this *Alfonfus* coming to be King of *Portugal*, he Married again with the King

King of *Castile's* Daughter, and had by her a Son called *Denyse*, who reigned after him, and his Successors unto this day; all which Succession of King *Denyse* and his Posterity, the said Queen Mother would have improved, and shewed that it appertained unto her by the said *Raphe*, and for this cause sent she to *Portugal* one Lord *Urban* Bishop of *Commince* in *Gascony*, to plead her Cause; which Cause of hers was quickly rejected, and only the afore-said five Princes Descended of King *Emmanuel's* Children, were admitted to the Tryal for the same; which were *Don Antonio*, Son of Lord *Lewis* the King *Cardinals* Elder Brother; and King *Philip* of *Spain*, Son of Lady *Elizabeth* the Eldest Sister of the said Cardinal; and *Philibert* Duke of *Savoy*, Son of the Lady *Beatrix* the same Cardinals Younger Sister; and the two Dutcheffes of *Parma* and *Bragansa*, named *Mary* and *Catharine*, Daughters of Lord *Edward*, Younger Brother of the said Cardinal, and Youngest Child of the said King *Emmanuel*. And for that the Lady *Mary* Dutcheff of *Parma*, which was the Elder of the two Daughters, was Dead before this Controversy fell out; her Eldest Son Lord *Ranutio* now Duke of *Parma*, pretended by her Right to the said Crown.

Five Pretenders of the Crown of Portugal.

And for that this matter was of so great Importance, every party procured to lay down their Reasons, and declared their Rights in the best manner they could; and such as could not be present themselves in *Portugal*; sent thither their Agents, Embassadors and Attorneys, to plead their Cause for them. *Don Antonio* and the Dutcheff of *Bragansa*, as Inhabitants of that Kingdom were present, and declared their pretences, Namely *Don Antonio* by himself, and for himself; and the Lady *Mary* of *Bragansa* by her Husband the Duke and his Learned Council.

The contention about the Succession of Portugal.

The

Attorneys  
sent to Por-  
tugal.

The Prince of *Parma* sent thither for his part, one *Ferdinando Farnese* Bishop of *Parma*. The Duke of *Savoy* sent *Charles* of *Rovere*, afterward made Cardinal. The King of *Spain*, as the greatest pretender, sent the Lord *Peter Gyron* Duke of *Osuna*, afterward Viceroy of *Naples*, and *Sir Christopher de Mora* Knight of his Chamber at that time, but since of his Privy-Council, and lately made Earl of *Castil Rodrigo* in *Portugal*, of which Country he is a Native; and besides these two, a great Lawyer Named *Roderigo Vasques*, made since (as I hear say) Lord President of *Castil*, which is as much almost as Lord Chancellor with us.

All these did lay forth before the King Cardinal their several Reasons and Pretensions to the Succession of the Crown of *Portugal*; for the five persons before-mentioned, whereof two were quickly excluded, to wit, the Duke of *Savoy*, for that his Mother was Younger Sister to King *Philip's* Mother, and himself also of less Age then the said King. And secondly *Don Antonio* was also excluded by publick and Judicial Sentence of the King Cardinal his Uncle as Illegitimate, and Born out of lawful Wedlock: And Albeit *Don Antonio* denyed the same, and went about to prove himself Legitimate; affirming that his Father the Lord *Lewis*, before his Death had Married with his Mother in secret, and for this brought forth some Witnesses, as Namely his Mothers Sister with her Husband, and two others: Yet the King Cardinal affirmed, that upon Examination he had found them Suborned, which he said was evident to him; partly for that they agreed not in their Speeches, and partly for that some of them had Confessed the same, to wit, that they were Suborned; whom he cast into Prison, and caused them to be punished: And so sitting in Judgment, accompanied with four Bishops and four Lawyers, whom he had called to assist

A Sentence  
of Illegiti-  
mation a-  
gainst *Don*  
*Antonio*.

assist him in this Cause, he pronounced the same *Don Antonio* to be a Bastard; for which the Authors that I have read about this matter, which are principally two, the first Named *Hierom Frank*, a Gentleman of *Genova* who Wrote ten Books in Italian of the Union of the Crown of *Portugal* to *Castilia*; and the second is Named *Joannes Antonius Viperanus* a *Sicilian*, as I take him, who Wrote one Book only in *Latine*; *De obienta Portugallia à Rege Catholico Philippo*, of *Portugal* got by King *Philip* the Catholick; both these Books (I say) out of whom principally I have taken the Points which here I will touch, do severally set down the causes following; why the King Cardinal did reject the pretence of *Don Antonio* before all other pretenders, and pronounced him a Bastard.

Writers  
of this Con-  
troversy.

First, For that he had been ever so taken all the time of his Fathers Life, and no man ever doubted thereof, or called the matter in question, until now that himself denied the same.

I.  
The Causes  
why Don  
Antonio  
was pro-  
nounced Il-  
legitimate.

Secondly, for that in the time of *Julius Tertius* the Pope, when certain Decrees came out from *Rome*, against the promotion of Bastards; the same *Don Antonio* Sued to the said Pope, to be Dispensed withal in that Case; which argueth that then he knew himself not Legitimate.

2.

Thirdly, that his Father the Lord *Lewis* had often times both by Word and Writing testified the same, that this *Antonio* was his Bastard, and had signified also so much in his last Will and Testament.

3.

Fourthly, The said Cardinal as of himself, also affirmed, that if his Brother the Lord *Lewis*, had ever done any such thing, as to Marry this Woman, who was but Base in Birth, and of Jewish Race, as these Stories do affirm: That it is like, that he would have made some of his own Friends acquainted therewith, as a matter so much Im-  
portant

4.



Important for them to know, but he never did, though the said Cardinal avowed that himself was present with him at his death.

5. Fifthly, he said, that if *Don Antonio* had been Legitimate, how happened that he did not pretend the Succession before the Cardinal himself, next after the death of *Sabastin*, seeing that he was to have gone before the said Cardinal by as good Right, as his other Nephew *Sabastian* did, if he had been Legitimate; for that he was Son also to the Cardinals Elder Brother, as hath been said.

6. Sixthly and lastly, the said King Cardinal avowed against *Don Antonio*, partly the disagreeing, and partly the open confessing of the Witnesses, that they were to be Suborned by him; upon all which Causes and Considerations, he proceeded to the Judicial Sentence before alledged.

Don Antonio his  
pretence to  
England.

Thus passed the matter in the Case of *Don Antonio*, who if he had been Legitimate, no doubt, but by all Right he should have been preferred before all the other pretenders to the Crown of *Portugal*, and must be at this day, towards the Crown of *England*, before all those that pretend of the house of *Portugal*, if we grant him to be Legitimate, and much more clearly may he pretend to the Dukedom of *Lancaster*, as before hath been declared, for that it must descend to the lawful Heir of Lady *Phillipa* Queen of *Portugal*; whereof ensueth also, one consideration not impertinent to us of *England*, that seeing we hold him there for true King of *Portugal*, I see not how we can deny him his Right to the said Dukedom, at least of *Lancaster*; whereof if we would give him but the possession with all the Appurtenances, as they lye, it were no evil entertainment for him in our Country, until he could get the possession of the Crown in his own.

After the exclusions of these two pretenders, to wit, of the Duke of *Savoy*, and of Don *Antonio*, the whole controversy for *Portugal*, remained, between the other three, which were the King of *Spain* Son of Lady *Isabel* eldest Daughter of King *Emmanuel*, and the two Dutcheßes of *Parma* and *Bragansa*, Daughters of the younger Son of the said King *Emmanuel*, to wit, of the Lord *Edward* Infant of *Portugal*.

Three  
principal  
pretenders  
of *Portugal*.

And First of all, for that the eldest of these two Ladies, to wit, *Mary*, Dutcheß of *Parma*, was now dead, her Eldest Son, Lord *Ranutio*, now Duke of *Parma*, entred in her place, and alledged that he represented his Mother, and she her Father Lord *Edward*, which Lord, if he had been alive, he should (no doubt) have been preferred before his Elder Sister, Lady *Elizabeth* Mother of King *Philip*, and consequently that the said Lord *Edward's* Issue ought to be preferred before her Issue, and this he alledged against King *Philip*.

Pretences  
of the  
Duke of  
*Parma*.

And against the Dutcheßes of *Bragansa* he alledged, that his said Mother was the Elder Sister, and for that cause he which now possessed her Right, and represented her Person, was to be preferred before the said Lady *Katharine* Dutcheß of *Bragansa*, so that the Foundation of this pretence, of the Duke of *Parma* was, that he was Nephew to the Lord *Edward*, by his eldest Daughter, and that to King *Emmanuel* he was Nephew, once removed, by his Son, whereas King *Philip* was Nephew but by his Daughter only, and that the Lady *Katharine* of *Bragansa* was only second Daughter to the said Lord *Edward*.

But to this was answered for the same Lady *Katharine*, First, that she was born and bred in *Portugal*, and therefore more to be favoured in this Action, than either King *Philip* or the Duke of *Parma*, which were foreign born. And secondly, against King *Philip* in particular, she used the same argu-

For the  
Dutcheß  
of *Bragansa*.

## A Conference touching Succession

Representa-  
tion ex-  
cluded.

ment, that before the Duke of *Parma* had done, which is, that she was Daughter of Lord *Edward*, son of King *Emmanuel*, whose Right was better than his Sisters, and consequently that his Children were to be preferred before the Child of his Sister, in this pretence, to wit, before King *Philip*. And *thirdly*, against the Duke of *Parma*, she alledged, that she was one degree nearer in propinquity of Blood unto King *Emmanuel* and unto King *Henry* the Cardinal, than the Duke of *Parma* was, which was but Nephew, and she Daughter to the said Lord *Edward*, that was Brother to the said Lord Cardinal, and Son of King *Emmanuel*. And when for the Duke of *Parma* it was affirmed, that he represented his Mothers place, that was the elder Sister; answer was made, that no Representation was admitted in this case of the Succession to the Crown of *Portugal*, but that every pretender was to be considered, and taken in his own person only, and to be preferred according to degree in propinquity of Blood to the former Princes; and if it happened that they should be in equal degree, then each party to be preferred according to the Prerogatives only of his person, to wit, the Man before the Woman, and the Elder before the Younger.

And for that the Lady *Catharine* of *Bragansa* was nearer by one degree to her Father Lord *Edward* than was the Duke of *Parma*, who was but Nephew, therefore she was to be preferred, and many great Books were written by Lawyers in this Ladies behalf, and her Right was generally held in *Portugal*, to be preferred before the other of *Parma*, which was not a little for the advancement of King *Philip's* Title before them both, as presently shall be shewed.

A Reply  
for the  
Duke of  
*Parma*.

It was replied against this answer in the behalf of the Duke of *Parma*, that the last King *Sebastian* entered the Crown by way of Representation, and not by propinquity of Blood, for that he was a degree fur-

further off in propinquity of Blood from King *John* the III. whom he succeeded, than was the Cardinal, for that he was but his Nephew, to wit, his Sons Son, and the Cardinal was his Brother, and yet was the said *Sebastian* admitted before the Cardinal, for that he represented the Place and Right of his Father Prince *John*, that dyed before he inherited; and so we see that in this case, Representation was admitted, (said they) and in like manner ought it to be now.

To this it was said, that *Sebastian* was not so much preferred before his great Uncle the Cardinal, by vertue of Representation, as for that he was of the right Descendant line of King *John*, and the Cardinal was but of the collateral or transversal Line, and that all Law alloweth that the right Line shall first be served, and preferred before the Collateral shall be admitted; so that hereby Representation is nothing furthered.

This exclusion of Representation did greatly further and advance the pretence of King *Philip*, for the excluding of both these Ladies and their Issues; for that supposing (as this answer avoucheth) that there is no Representation of Father or Mother or Predecessors to be admitted, but that every pretender is to be considered only in his own person; then it followeth, (said these men which plead for the King) that King *Philip* being in equal degree of propinquity of Blood, with the two Ladies, in respect as well of King *Henry* yet living, (for that they were all three children of Brother and Sister,) it followeth that he was to be preferred before them both, as well in respect that he was Man, and they both Women; as also, for that he was elder in age, and born before them both. And albeit the Duke of *Parma* alledged that he was one degree further off from the foresaid Kings, than was King *Philip*, so as not respecting Representation of their Parents, that is to say, not considering at all, that King *Philip* descended of a

King  
*Philip's*  
pretence  
to *Portu-  
gal*.

Woman, and the two Dutcheſſes, of a man, but only reſpecting their own perſons, as hath been declared, theſe men avouched, that King *Philip's* perſon was evidently to be preferred, for that he was a degree nearer in Blood than the Duke of *Parma*, and ſuperior in ſex and age, to the Lady *Catharine* of *Braganſa*.

*Divers al-  
legations  
for King  
Philip.*

Moreover, the Lawyers of King *Philip's* ſide affirmed, that he was nearer alſo in propinquity of blood to King *Sebastian*, the laſt King, than was the very King Cardinal himſelf, and much more than any of the other two pretenders, for that he was Brother to the ſaid King *Sebastian's* Mother, and the Cardinal was but Brother to his Grandfather. And beſides this, they alledged, that *Portugal* did belong to the Crown of *Caſtil* by divers other means of old, as for that it could not be given away by Kings of *Caſtil* in Marriage of their Daughters, as the principal parts thereof had been, as alſo for that when King *John* the I. that was a Baſtard, was made King of *Portugal*, by Election of the People, the Inheritance thereof did evidently appertain to King *John* of *Caſtile*, that had to Wife the Lady *Beatrix* Daughter and Heir of *Ferdinand* King of *Portugal*, from which Inheritance of that Crown, by open injury, both ſhe and her Poſterity, (whoſe Right is in King *Philip* at this day,) were debarred by the intrusion of the ſaid *John*, Maſter of *Avis*, baſtard brother of the foreſaid King *Ferdinand*.

*Hieron.  
Fraki, Jo.  
P et. Vipe-  
r anus.*

Theſe Reaſons alledged divers Lawyers in the behalf of King *Philip*, and thoſe not only *Spaniards*, but alſo of divers other Countries and Nations, as my Authors before-named do avow, and many books were written of this matter, and when the contention was at the hotteſt, then died the King Cardinal, before he could decide the ſame controversy, upon which occaſion the King of *Spain*, being perſwaded that his Right was beſt, and that he being a Monarch,

narch, and under no temporal Judge, was not bound to expect any other judgment in this Affair, nor to subject himself to any other Tribunal, but that he might by Force put himself in possession of that which he took to be his own; if otherwise, he could not have it delivered unto him (for so write these Authors by me named,) seeing also Don Antonio to pretend the said Kingdom by only Favour of some popular party that he had in *Lisbon*; the said King Philip entred upon *Portugal* by Force of Arms; as all the World knoweth, and holdeth the same peaceably unto the day.

And I have been the longer in setting down this contention about the Succession to the Crown of *Portugal*, for that it includeth also the very same pretence and contention for the Crown of *England*. For that all these Princes before-named, may in like manner pretend the Succession of that Interest to the House of *Lancaster*, and by that to the Crown of *England*, which doth descend from Queen *Philippa* eldest Daughter of *John of Gaunt*, Duke of *Lancaster*, and Sister of King *Henry the IV.* as hath largely been declared.

And albeit that some men will say, that this matter is now decided, which of these Princes of the House of *Portugal*, entreth also thereby to the other Right of Succession of *England*, yet others will say no, for that the Laws of Succession in *Portugal* and *England* be different. For that in *England* Representation taketh place; so as the children of the Son, though they be Women, shall never be preferred before the Children of the Daughter, though they be Men, whereof these men do infer, that seeing the Lady *Philips* Right before-mentioned to the Dukedom of *Lancaster*, and thereby also to the Crown of *England*, is to be preferred according to the Laws of *England*, and not by the Laws of other Foreign Countries; it followeth, that the self same Right

*The case of pretence of the House of Portugal to England.*

*An objection with the answer*

of Succession that is pretended at this day by the Princes of *Portugal* for succeeding the said Lady *Philippa*, should be determined only by the Laws of *England*, where Representation taketh place, and not by the Laws of any other Nation: Thus say they.

But against this, others do alledge, that the question is not here, by what Law this pretence of the Blood Royal of *Portugal* to the Crown of *England*, is to be tried, but rather who is the true and next Heir and Successor unto King *John* the I. and to his Wife Queen Lady *Philippa*, Heir of the House of *Lancaster*, which two Princes were King and Queen of *Portugal*, and their true Heir at this day hath the forenamed pretence, to the Crown of *England*, true and next Heir, being once known, it little importeth by what Law he pretendeth his said Right to *England*, whether by that of *England*, or by this of *Portugal*, or by both, though to determine this first and chief point, who is the next and true Heir unto these foresaid King and Queen of *Portugal*, the Laws of *Portugal* must needs be Judge and not those of *England*, and so, seeing that by these Laws of *Portugal*, the King of *Spain* is now adjudged for next Heir to the said Prince, and is in possession of their Inheritance at this day, I mean of the Crown of *Portugal*; these men say, that he must consequently Inherit also all other Rights, Dignities and Prerogatives belonging to the foresaid Princes, or to their Posterity.

And thus you see now how great diversity of Arguments and Objections is and may be alledged, on different sides, about this Affair, whereby also is made manifest, how doubtful and ambiguous a matter this point of *English* Succession is, seeing that in one onely branch of the Pretenders, which is in the House of *Portugal* alone, there are so many difficulties, as here hath been touched.

But now the common Objection against all these  
Titles,

Titles and Titlers, is, that they are old and out of use, and not to be brought in question again now, especially seeing that both King *Henry* the VII. and his Issue have enjoyed so long the Title of the House of *Lancaster*, as it hath, and secondly that these Titles do appertain unto Strangers, whose Government may be dangerous many ways unto *England*, and especially in that which toucheth the King of *Spain*, who being so Great and Mighty a Monarch as he is, may prejudice greatly the *English* Liberty, and easily bring them into servitude, if his pretence should be Favoured, as by some it seemeth to be.

*Objections  
against  
the Preten-  
ders of  
Portugal.*

This is the Speech of many men in *England*, and abroad at this day, whereunto yet some others do answer, that as concerning the first Objection of the oldness of the Pretence and Title, it hath shewed before, that by Law no Title to a Kingdom dyeth ever, but may take place whensoever the Party to whom it belongeth, is able to avouch it and get possession, and as for this pretence of the Line of *Portugal*, they say, that it hath not such great age, but that very well it may shew it self, and be had in consideration, especially at this Time, when now the Issue Male of King *Henry* the VII. is ended, and that of Necessity we must return to have consideration of the Issue of his Daughters, before which Daughters, good Reason, (say these men,) is it, that the Issue of Lady *Philippa* Queen of *Portugal* should be admitted, for that albeit we would have that respect to the Issue-Male of *John* Earl of *Somerset*, as to prefer it, or suffer it to enjoy the Crown, before the Issue of Queen *Philippa*, (and so they say it seemeth that it was, for that King *Henry* the VII. was Crowned King, his Mother being alive, which yet by ordinary course of Succession should have gone before him;) yet say they, it is no reason that the Issue-Female of *John* of *Somerset*, or of King *Henry* the VII. should be preferred before the Issue-Male of the said Queen *Philippa*.

*Answers.*

*Note this.*



## A Conference touching Succession

Moreover they say, that the House of *Clarence* and *Huntington* do pretend a Title more old and stale at this day, than this of *Portugal*; for that they pretend from *George Duke of Clarence*, that never had the Crown, and these of *Portugal* pretend to be next Heir to King *Henry the VI.* that did wear the Crown of *England* for 40. Years together, after whose death, if King *Alfonfus of Portugal* (who was then old and wearied with evil success of Wars) had been so able to prefer and follow his Title, as some of that House be at this day, he would never have suffered the House of *York* to have entred, nor King *Henry the VII.* to have enjoyed it after them, by the Title of *Lancaster*, which Title yet of *Lancaster* (say these men) King *Henry the VII.* could not have in himself any way, whether we respect Queen *Philippa*, or *John of Somerset*, for by Queen *Philippa* they of *Portugal* were evidently before him, and by way of *John of Somerset* the Countess his Mother was as clearly before him, neither could he have any Title, as yet, by the House of *York*, for that he was not yet married to the Daughter of King *Edward*; so as his Crowning in the Field, and whole entrance to the Kingdom, was without any actual Title at all, but only the good will of the People, as these men do hold.

By what  
Title King  
Henry VII.  
did enter.

About fo-  
reign  
power in  
England.

To the other Objection of 14. Princes and strange Government, that may come to *England* by these pretences of the Princes of *Portugal*: divers men do answer diversly, for some do grant that it may be so, that by this means *England* may come to be under Foreign Kings, and that no hurt, or inconvenience at all would ensue thereof to *England*, but rather much Good and Commodity: but other that like not well of this assertion, do say further, that if these Foreign pretences should take place, yet that all matters might be so compounded, that albeit the Prince himself which is to Rule, should be

Fo-

Foreign born (which they take to be no Inconvenience) yet that his Forces and Dependance, should be only of the *English*, for that he should not bring in any strange Powers into the Land, no more than did King *Stephen* or King *Henry* the II. that were born in *France*, or than did King *Philip* of *Spain* in Queen *Marys* days, or as it is thought Monsieur of *France* should have done, if he had married her Majesty that now is, as once it was supposed he should.

To this said one of the Company, and is it possible, that any man should be of opinion that Foreign Government in what manner or kind soever it be, should not be inconvenient and hurtfull to *England*, where the People are wholly bent against it: you remember (quoth he) as concerning the last two Examples, that you have alledged, what Tumult and stir there was raised by some kind of Men, about the coming in of King *Philip*, and what there was like to have been about the entrance of Monsieur, if that purpose had gone forward.

I remember well said the Lawyer, and these men that are of this opinion, will say to this, that it was but a Popular Mutiny without Reason or any good Ground at all, and only raised by some crafty Heads, that misliked the Religion of the Princes that were to enter, and for some other drifts of their own, but not of any sound Reason or Argument of State, which these men think rather to be of their side, and in good sooth they alledge so many Arguments for their Opinion, that if you should hear them, you would say it were hard to judge which Opinion had most Truth, but they are too long for this place and so (said he I shall make an end of the matter that I have in hand, and leave this point for others to discuss.

With this the whole Company shewed marvellous great desire to know the Reasons, that were on both Parties, for this matter, and so much the more, for that

*About Foreign Government.*

*The occasion of the next chapter about Foreign Government.*

that it seemed to Fall very fit to the purpose of these pretences of Foreign Princes, for which cause they entreated him very instantly that before he passed any further, or ended his whole discourse of the Titles, (which hitherto they said had greatly contented them) he would stay himself a little upon this matter, which though for a time he made great difficulty to do, yet in the end being so importuned by them, he promised that at their Meeting the next day, he would satisfie their desire, and so for that time they departed very well contented; but yet as they said, with their Heads full of Titles and Titlers, to the Crown.

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## CHAP. IX.

*Whether it be better to be under a Foreign or Home-born Prince, and whether under a great and mighty Monarch, or under a little Prince or King.*

**T**he Company being gathered together the next day, and shewing much desire to hear the point discussed about Foreign Government, whereof mention had been made the day before, the Lawyer began to say, That for so much, as they would needs have him to enter into that matter, which of it self was full of prejudice in most mens ears and minds, for that no Nation commonly could abide to hear of being under strange Governours and Governments he meant to acquit himself in this their Request, as he had done in other matters before, which was to lay down only the Opinions and Reasons of other men, that had disputed this Affair on both sides before him, and of his own to affirm or deny nothing.

And first of all against the Dominions of Strangers  
and

and Foreigners, he said, that he might discourse without end, and fill up whole Books and Volumes with the Reasons and Arguments, or at leastwise with the dislikes and averfions, that all men commonly had to be under strangers, or to have any Aliens to bear Rule or Charge over them, be they of what Condition, State or Degree soever, and in this he said, that as well Philosophers, Lawmakers wise and good men, as others do agree commonly, for that we see both by their Words, Writings and Facts, that they abhor to subject themselves to strange Governments, so as in all the eight Books of *Aristotles's* Politicks you shall still see that in all the different Forms of Commonwealths, that he setteth down, he presupposeth ever that the Government shall be by People of the self same Nation, and the same thing do presume in like manner, all those Law-makers that he there mentioneth, to wit, *Minois, Solon, Lycurgus, Numa Pompilius*, and the rest, and he that shall read the Famous Invectives of *Demosthenes* against the pretensions of King *Philip* of *Macedonia*, that desired to incroach upon the *Athenians* and other States of *Greece*, as also his Orations against *Æschinos*, his Adversary, that was thought secretly to Favour the said Foreign Prince, shall see what Hatred that noble Orator had against Foreign Government; and he that shall read the Books of our time either of the *Italians* when they spake of their Subjection in times past to the *Lombardes, German* or *French* Nations, or to the *Spaniards* at this day; or shall consider what the *French* do presently write and inveigh against the Power of the House of *Guyse* and *Lorayne* in *France*, for that they take them to be Strangers, shall easily see how deeply this aversion against Strangers is rooted in their Hearts, and this for Testimony of words.

But now if we will consider the Facts that have ensued about this matter, and how much Blood hath been

Reasons  
against fo-  
reign Go-  
vernment.

Polis.  
Arist.

Demosthe-  
nis Philip-  
picæ, & in  
Æschines.

Attempts  
to deliver  
Italms  
from fran-  
gers.

Quint.  
Curt. l. 5.  
& 6. de  
gest.  
Alex.  
Vespere  
Sicilianæ  
an. 1265.  
Leand. in  
descript.  
Siciliz.  
Polyd. l.  
8. Hol-  
lings in  
vit. Ca-  
miti.

The rage  
of the  
French  
against  
the Eng-  
lish.

been shed, and what desperate Attempts have been taken in hand by divers Nations for avoiding their subjection to strangers, or for delivering themselves from the same again, if once they have fallen into it, you shall behold more plainly the very Impression of Nature her self in this Affair, for of divers barbarous Nations, Realms and Cities we read in Histories, we read that they rather chose to slay and murder themselves, than to be under the Dominion of Strangers, others have adventured strange Attempts, and Bloody Stratagems, as the *Sicilians*, who in one day and at the self same hour, at the time of Evening Song, slew all the *French-men* that were within the Island, whom yet themselves had called and invited thither not long before; And the like is recorded in our *English* Histories of killing the *Danes* by *English* men, at one time, in most cruel manner; And the like was oftentimes thought on also by the *English* against the *Normans*, when they Oppressed us, and by the *French* against the *English*, whiles we had Dominion in *France*, though neither the one nor the other of these latter designments could be effectuated, for want of Forces and Commodity, by reason of the watchfulness of the contrary part. But yet to speak only of *France*, the Rage and Fury of the *French* was generally so great and implacable against the *English* that Governed there, in the Reign of King *Henry* the VI. as both *Polydor* and other Histories do note, (at what time, partly by the dissensions of the Houses of *York* and *Lancaster* in *England*, and partly by the valour of their own new King *Charles* the VII. they had hope to be rid of the *English* Dominion) as no Persuasion or Reason, no Fear of Punishment, no Force of Arms, no Prowise or Threat, no Danger, no Pity, no Religion, no Respect of God nor Man, could repress or stay them from rising and revolting every where against the *English* Government and Governours, murdering those of the *English* Na-  
tion

tion in all parts and corners, whereſoever they found them, without remorse or compaſſion, until they were utterly delivered, of their Dominion.

So as this matter is taught us (ſay theſe men) even by Nature her ſelf, that Strangers Government is not to be admitted, and moreover the reaſons before alledged againſt the King of *Scotlands* pretence, together with the example and judgments of the Realms of *Spain* and *Portugal*, who reſolved rather to alter the true Order and Courſe of their Succeſſion, than to admit Strangers over them, do plainly Confirm the ſame.

*The concluſion againſt Strangers.*

And laſt of all, (ſay theſe men,) the Authority of Holy Scripture is evident, in this behalf, for that when God in *Deuteronomy* did ſortel by *Moses*, that the *Jews* in time would come to change their Government, and to deſire a King as other Nations round about them had; he added yet this expreſs Condition, that he ſhould be only of their own Nation, for he ſaith, *Conſtitues enim quem Deus tuus elegerit de numero fratrum tuorum, non poteris alterius gentis hominem Regem facere, qui non ſit frater tuus*: that is, *Thou ſhalt make a King at that time, ſuch a one as thy Lord God ſhall chuſe for that dignity, out of the number of thy Brethren, but thou mayſt not make a King of any other Nation, but of thy own Brethren*. Thus ſay theſe men, againſt admitting of Strangers; and it ſeemeth, that their opinion and affection hath many followers, for that generally we ſee moſt men affected and inclined this way.

*Authority of Scripture againſt ſtrangers.*

*Deut. 17.*

But yet on the other ſide, there want not other men, who appear both wiſe, diſpaſſionate and grave, that will ſeem to conſider this matter far otherwiſe, and do ſay, that all this is but a common vulgar prejudice of paſſionate men againſt ſtrangers, riſing partly by corruption of Nature, whereby men are inclined to think evil of others, and to bear them little affection, eſpecially, ſuch as Govern and bear Rule

*The anſwer in defence of foreign Government.*

rule over them, and so much the less by how much farther off they are from us in Kindred and Acquaintance, and partly also they say that the same riseth of lack of due consideration in the most part of men; for that they weigh not the true Reasons, Causes or Effects of things, but only the outward shew, and so do run away with the Opinion and Apprehension of the Popular, which for the most part hath no other ground or foundation in it, but only Fancy and Imagination, or Incitation of others that endeavour to procure Tumults; and so they say it falleth out in this point, as upon examination it shall appear.

*The effects of  
Governments to be  
considered,  
and not the  
Governours*

And for Proof and Declaration of this their Assertion, they do require first of all, that this ordinary and common prejudice against Strangers or strange Governments, be laid aside, so long at least, as the matter is in Disputation, and that only the true effects of good and profitable Government may be considered, without that other circumstance, whether these fruits do come from Stranger or Home-born Prince, which effects are Peace, Rest, Justice, Defence of the Innocent, Punishment of the wicked, Wealth Security, and other such benefits, that good Government is wont to bring with it to the Subjects. These things (say these men) are to be weighed indifferently, and without passion, by Wise men, and wheresoever these effects are more abundantly to be found, there the Government is best, and there the subjects are in best Case, whatsoever the Governours be, or of what Nation or Country soever they be. And this they shew by this example following.

*An Ex-  
ample.*

If in two Countries or Commonwealths, lying night together, the subjects of the one, should live in all Ease, Wealth and Prosperity, under a stranger, as divers states did under the Romans, and in the other they should be Beaten, Whipped and Afflicted under

under a home-born Prince, as we read the *Sicilians* were under *Phalaris* and *Dionisius* their Countrymen, Tyrants; clear it is, (say these men) that the stripes and Afflictions would not seem the easier, for that they come from a Natural Prince, but rather the heavier, and the others happy case under the Stranger, must needs seem to be the better, and consequently his Government rather to be wished: For that in very Truth the goodness and defect of every Government, is to be measured by the effects thereof, that redound unto the Subjects, for whose good it was first ordained, as oftentimes our Friend the Civil Lawyer hath touched and proved before. And when the Subjects do live well and prosperously, are defended and maintained in Peace, Safety and Wealth, when Justice is done equally to all men, the wicked punished, and the good advanced and rewarded, when God is honoured, and true Religion maintained, and vertue promoted; this is that which importeth the Realm and Subjects; and not where, or in what Country the Prince and his Officers were Born, or of what Nation, Language or Kindred they be. For that, be the Prince of what Lineage or Kindred soever, yet after he is once established in this Dignity, the Common Subject can have no more conversation with him, nor receive any more personal benefit of him, then if he were a meer stranger; except only by those common and publick effects of his Government before-mentioned; for that so soon as he is placed in his Dignity, he becometh a Stranger unto me, little availeth it to me, whether he be of my Blood and Country or no; and I may say as the people of *Israel* in the like Case to *Rehoboam*, for that he was King *David's* Nephew, and of the House of *Jesse*, thought his State assured, for that he was their Lord and Natural Prince, and so might press and afflict them at his pleasure: But they answered him plainly; *Que nobis pars in David,*

*Little importeth the Subject of what Country his Governour is, so he be good.*

1 Reg. 12.



vid, *vel quæ hereditas in filio Jesse*, what part have we in *David*, or what Inheritance have we in the Son of *Jesse*, and so they left him, and rather chose to be under *Jeroboam* a Stranger, and his Servant under him.

Not the  
Country  
but the  
good Go-  
vernment  
importeth.

Note these  
Examples.

This then is the first point which these men do demand, to wit, that we consider equally and according to Reason, Wildom and Truth, and without all Partial Affection, where and by whom, and by what Government we are likest to receive and enjoy the good and happy effects above-mentioned of Prosperity to the Subject: For that without all doubt (say they) that Government is to be deemed best, and that Subjection Happiest, where those Benefits are most enjoyed, let the Prince or Governour be of what Nation Lineage soever. And on the other side, that must needs be the worst Government unto me, where I shall reap fewest, and participate least of those effects, be the Prince never so much much my Countryman or Kinsman; and though he were Born in the same City, Town or House, yea in the same Belly with me: As for Example, those men that lived (say they) in *Spain* under King *Peter* the Cruel, or in *England* under King *Richard* the third, commonly called the Tyrant; what did it avail them that those Princes were of their own Country or Blood, seeing they did that unto them, which a Stranger though never so Barbarous, would scarce have done? As in like manner, all those Noble Houses before-mentioned in our Country, of the *De la Pools*, *Staffords*, *Plantagenets*, and others, destroyed by King *Henry* the Eighth; what availed it them, that the said King was not only their Countryman, but also their near Kinsman: What profit or Commodity was it unto *Thomas* of *Woodstock* Duke of *Glocester*, that he lived under a King that was his Nephew, to wit, King *Richard* the second, or to *George* Duke of *Clarence* in King *Edward* the fourths time,

time, that the said King was his own Brother, when both of them were Pursued, Disgraced, and put to Death by them, and lost their Lives, Lands, Dignities, Goodly Possessions, Stately Mannors, and Gorgeous Houses, with their Wives, Children, and all other Felicities of this World; which perhaps under a Strange Prince, they might have enjoyed many a fair day and year.

This is that then which these men do first require, to wit, that all Fancy and Fond Opinion of the Vulgar people be aparted in this matter, from Truth and Substance; as also say they, we ought to desire and determine who are properly Strangers, or Foreigners, seeing some do take for Strangers and Foreigners, all those that are not of the same Dominion and Government, though otherwise they be of the same Nation and Language, according as those other men that are Enemies to Strangers, said a little before (if you remember) that the Princes of the House of *Guise*, and their Kindred are taken for Strangers in *France*, by them that by that means would make them odious to the people, for that their Ancestors in times past came out of *Lorain*, which is a Province joyning hard upon *France*, of the same Nation, Language and Manners, but only under another Prince. And so I my self noted in my Traveling through *Italy*, that the *Florentines* are hated and called Strangers in *Siena*, where they govern, albeit the one state be not 30 Miles from the other, and both of one Nation, Language, Manners and Education. And on the contrary side, we shall see, that some of different Language and Nation do hold themselves for Country-men; as for Example, the *Biscayns* in *Spain*, do not hold the *Castilians* for Strangers, but are contented to be ruled by them, as by their own Country-men, albeit they be a different Nation, and have different Language and Manners, and the same I do note in the *Brittains* and

*Who are properly Strangers.*

*Normans* towards the *French*, in the *Welsh* also towards the *English*, who are a different People and of different language, and yet are they Governed peaceably by the *English*, and the *English* again do account them for their Countrey-men, as may appear by that, when King *Henry* the VII. came to be King of *England*, I do not find any resistance made against him by the *English*, for that respect that he was of that Nation, as evidently he was by his Fathers side, that was of the *Tidders* of *Wales*, so as this point also who be strangers and who be not seemeth to be a thing that dependeth much of the opinion and affection of each People and Nation, the one towards the other.

Divers  
manners  
of being  
under  
Strangers.

And this being so, these men come to treat more particularly of the Purpose in hand, and do say that in two or three manners a Nation may come to be under the Government of Strangers or Foreigners, first as a Province, that is to say, as a piece or member of another Dominion, as *England* was in times past under the *Romans*, and as *Ireland* is under *England* at this day & as the *Brittons* are under *France*, & as many States of *Italy* be under the Crowns of *Aragon* and *Castile*. And this may come to pass either by Conquest and Force of Arms, as the *Welsh* came to be under the *English*, and the *English* to be under the *Normans* and *Danes*, and as *Sicilia* and *Naples* came to be under the *Spaniards*, and as *Normandy* and *Aquitaine* came to be under the *French*, and as almost all the World in old time was brought to be under the *Romans*: or otherwise the same may come to pass by Inheritance, as *Aquitaine* and *Normandy* in times past came to *England*, and as *Flanders* with the States thereof came to the House of *Austria*, and as *Britany* to the Crown of *France*, or else thirdly, it may happen by mixt means, that is to say, partly by Force and partly by other means of Composition, as *Milain* came to *Spain*, and *Ireland* to  
Engl

England, according as the *Irish* do hold, and so *Portugal* hath in our dayes come to the King of *Spain*, for that besides his Hreience and Right of Inheritance, he used also Force of Arms for getting the same.

Of all these three ways then evinent it is, that Conquest is the hardest and most prejudicial to the Subjects, for that there all standeth at the will and clemency of the Conquerour, whom either Anger or Fear, or Jealousy of his assurance may often drive to hold an hard hand over the Conquered, at least wile for a time, until his Estate be better settled, so that I marvel not though no People or Countrey commonly would willingly be Conquered, but yet Policy also teacheth such a Conquerour, whatsoever he be, that as on the one side it becometh him to be watchful and so to fortifie himself, as the unquiet can do him no hurt, so on the other side it is necessary by the same Rule of Policy to use all Favour and sweet means to content and gain those that be or may be made quiet, for better establishing of his State, even as a Phyician after a vehement purgation, doth minister lenitives and soft Medicines, to calm and appease the good humours left, and to strengthen the whole body, that it may hold out.

*To be under  
strangers by  
Conquest.*

This we see to be true, not only by reason of State and Poliey, as hath been said, but also by experience of all Countries, that have been conquered in *Europe* or other where, if the continual resisting and revolting of those that are conquered, do not cause a contrary course in the Conqueror, as it did in the Conquest of the *Danes* and *Normands* upon the *English*, and in the Conquest of the *English* upon the *British* or *Welsh*, where the often rising of them that were overcome, enforced the Nanquishers to be much more cruel and rigorous than otherwise they would have been, for all our Histories do testifie, that King

*How Con-  
querours  
do proceed  
towards  
the Con-  
quered.*

*Polydor*  
*Virg.* l. 3.  
*Hist. Ang-*  
*glia.*

*Sveno* the Dane, and much more his Son, King *Cannus*, as also *William* the Conquerour, had a great desire after their victories, to have appeased, and made much of the *English* Nation, but that they were never quiet under them, and so in like manner the *English* Kings oftentimes gave their Daughters in marriage to the Princes of *Wales*, and many priviledges to that People, thereby to gain them, but that their continual Revolting, caused much severity and blood-shed to be used and the like severity did they use always most favours, and gave them most cause oftentimes in the very *Romans* towards the said *Britains* conquered.

*Clemency*  
*of the Ro-*  
*mans.*

*Lib. 1.*  
*Macchab.*  
*cap. 8.*

But where the People vanquished were content to be quiet; and submit themselves, there the said *Romans* used all Favour and Moderation, so as it is written of them in the first book of *Macchabees*. *Et audivit Judas nomen Romanorum, quia sunt potentes viribus, & acquiescunt ad omnia quae postulantur ab eis:* That is, *And Judas Macchabeus heard the name and fame of the Romans, how they were potent in strength, and yet so gentle, as they yielded to all that was demanded at their hands.*

And finally their Government was so just, moderate, sweet and modest, upon all Foreign Nations, which they had conquered, as it allured divers Nations to desire to be under them, and to be rid of their own natural Kings, as of the Subjects of *Antiochus* and *Metbridates* Kings of *Asia* and *Pontus*, we do read of, & some other Princes also thereby to gratifie their Subjects, did nominate the *Roman* Empire, for their Successor, as did King *Attalus* King of *Pergamus*, and *Ptolomy* of *Egypt*, and others, and it is the common opinion of Learned men that the World was never more happily governed, than under the *Romans*, and yet were they Strangers to most of their Subjects, over which they Governed, and unto whom they were most strangers, that is to say,  
did

unto such as were furthest off from them, to those did they use always most favours, and gave them most priviledges, as both Wisdom and Reason of State did require, for that those people had most ability to rise against them, and to rebell, so as this circumstance of being Strangers hurted them nothing, but rather profited them much.

The like Rule of Policy and of State have all great Monarchies used ever since, that is to say, to shew most Favour to such Subjects as be most strangers and farthest from them, and on the contrary side, if any be to be pressed more than others, to press and burthen them most, that be most natural and nearest home, and most under, and in subjection, and surest to obey, and this is evidently seen, felt and practised by all the great States this day of the World, so as it cannot be denied. For if we look but into *France*, we shall find that the States of *Gascony* and *Guyene*, which are farthest off from the Court, and were once strangers and gotten by force, from the *English*, do pay far less Tributes at this day to the *French* King than those that be of the Isle of *France* it self, and are properly *French*, and in like manner the *Britons*, which came to that Crown by Marriage, and were old enemies, do pay much less yet than the *Gascoyns*, and in a manner do pay nothing at all, and the *Normans* do pay somewhat more than any of the two, for that they do lie somewhat nearer to *Paris*, and thereby are more in subjection to the Prince, though yet they pay less than the natural *French-men*. The *Candians* also which is an Island apart, and standeth under the *Venetians*, do not pay the third part of the Impositions (as by my own information I learned, when I travelled *Italy*) that do the natural subjects of the *Venetian* state in *Italy*.

What shall I say of the Kingdoms and States of *Naples*, *Sicily* and *Milaine*, subject to the King of *Spain*, called the *Alcavalla* which is the tenth penny

Strangers  
most fa-  
voured in  
wise Go-  
vernments

Gas-  
coynes.

Britons.

Candians.

States of  
Italy.

of all that is bought and sold, nor are they subject to the Inquisition of *Spain*, (at leest *Naples* and *Milaine*) nor to many other Duties, Tributes and Impositions which the natural *Spaniard* is subject unto; nor is there any Law or Edict made in *Spain* that holdeth in those Countries, except it be allowed, ratified and confirmed by those States themselves, nor may any of their old Priviledges be infringed, but by their own consents, and when the King requireth any extraordinary Subsidies in *Spain*, they bear no part thereof. Whereupon these men do ask, what it hurteth these States, that they are strangers, or under Strangers, or what priviledge is it to the *Spaniard* at home, that he is only under his home-born King, if he receive less benefits by that than doth the Stranger.

*The condition of the Irish under the English.*

And is not the like also used by the State of *England* towards *Ireland*, are not the Favours and Indulgences used towards the Civil *Irish* that live in peace much more than to the *English* themselves in *England*? For first, their Taxes and Payments be much less, the Laws of *England* bind them not, except they be allowed and received by their own Parliament in *Ireland*. For matters of Religion they are pressed much less than home-born Subjects, albeit their Affections to the *Roman* Religion be known to be much more universal, than it is in *England*. In all Criminal Affairs and punishing of Delicts, the manner of proceeding against the *Irish* is much more remiss, mild and gentle, than with the Subjects of *England*, so as their being strangers seems rather a Priviledge, than an hindrance unto them.

*Of the States of Flanders.*

But in no other Countrey is this thing more evidently to be considered, than in the States of *Flanders* and low Countries, which by Inheritance (as hath been said) came to be under foreign Government but so much to their good and advancement (and that in a very few years) as scarce is credible,

except to him that understandeth their former state, when they were under their home-born Princes, and do compare it with that which after they came unto, under the house of *Austria*, united unto the Crown of *Spain*.

For before, for many hundred years, a man shall read nothing almost, in their Histories, but War, Sedition and Blood-shed among themselves; and this either, one state with another before they were united together all under one Prince, or else with the Kingdom of *France*, of whom in those days they depended, or else (and this most of all) against their own Princes, of whom some have been so fierce and cruel unto them, as they have shed infinit quantity of their Blood, and among others, I read of their Count de *Luis*, that in one day he put to death five hundred of them by sentence of Justice in *Bruxelles*, and another day within the same year he caused about a thousand to be burned to death in a Church of the Town of *Nevel*, besides his infinite others whom in divers Battels and Skirmishes he slew, so as oftentimes the Countrey lay almost desolate, through their domesticall afflictions.

Girard du  
Hailan  
l. 18. an.  
1381.

But now since the time that the States came to be under *Philip* the first Archduke of *Austria*, and after King of *Spain*, and so remained under his Son *Charles* the Emperour, and his Nephew *Philip* the II. that now liveth, until the late Troubles and Rebellions, (which was about the space of fifty years that they so continued in Peace before their Rebellion) it is almost incredible how those States increased in wealth, peace and dignity; so that as *Guyccardine* the Italian Historiographer noteth in his description of those Countries, the whole Wealth and Riches of the World seemed to flow thither, and I my self can remember to have seen such exceeding abundance in very ordinary men of this Countrey, both for their Diet, Apparel, Furniture of House, and the like, as

Prosperity  
of Flan-  
ders under  
the House  
of Austria.

In Guic-  
ciard. nel-  
la descritt-  
ione delli  
passi bassi.



was wonderful, besides that for their Nobility they were all great Princes, for that every one had his Province or great Town in Government, which they ruled with that Pomp and Honour, as if they had been Absolute Lords themselves, by reason of the far distance of their Supream Prince, and so they were received with publick Honour of all Cities and Towns, and their Charges Born where-soever they passed, as such High Estates wont to be.

*The Authority of the Flemings at home.*

And albeit they had ever commonly a Stranger for Supream Governour among them under their King, which bare the name to be above them, yet did he indeed nothing but as they would have him; and this partly for that his time of Government being but short, he always attended principally to get the good wills of the people, and to hold them contented, and thereby to be grateful to his King at his return home; and partly also, for that if he should attempt to do any thing against their Minds and liking, they made reply by their President and Chancellor, and other of their own Councillors, residing for the *Flemish* Nation in the Court of *Spain* (for this Nation hath always a particular Council there about the King, as all other Foreign Nations also have, that are under him) and by this means they obtained lightly what they would, and brought the Governour to what they pleased; so as in effect they were absolute Kings in themselves, and wrought their Wills in every thing, and this is in that time while the Country was quiet.

*The Indulgence used to offenders in Flanders.*

But now since this Revolt, which hath indured almost these four or five and twenty years, what hath succeeded; surely there hath not a quarter so many been punished, or put to Death in all these years by order of Justice of their King absent, as before I have shewed that there were in one day, by ther own Earls and Dukes, when they were present,

present, and that upon far less occasion and cause given, then are these; for if we take away the two Noblemen, *Edmond* and *Horne*, put to Death at the beginning of these *Flemish* Troubles by the Duke of *Alva* (for which some men say also that he had no thanks afterward by the King) no man of importance hath been since Executed; and the chiefest Towns that have been and are against the King in *Holland* and *Zeeland*, are suffered until this day, to Traffique freely into *Spain* it self, to wit, in the Kingdom of *Aragon* many Heads have been stricken off, and much injustice done; whereof then riseth this difference, no doubt for that the *Flemings* are Strangers and far off, and the other near at Home and Natural-Born, so as this circumstance of being a Stranger, and dwelling far off doth them great pleasure, and giveth them priviledge above the Home-born Subjects.

The like I might shew for this matter of punishment in the foresaid States of *Italy*; where if a man do compare the number of them that were put to Death, pulled Down, or Afflicted by order of Justice, or otherwise at the the commandment of the Prince, in time of their own Home-born Kings, with that which hath been since, especially of the Nobility, you shall find one for twenty; and the reason of this is, for that their own Kings were Absolute, and had to give an account to no man of their doings, and for that they were men, and had their Passions and Emulations with the Nobility, and might put the same in Execution without Account or Controlment, they pulled down and set up at their pleasure, and made ostentimes but a Jest of Noblemens Lives and Deaths: but now these that are Governours and Vice-roys for a Foreign Prince; first they have not so great Authority or Commission, as to touch any such Principal persons Lives, without giving Relation there-  
of,

*The Spaniard punishes less in Italy than near or home.*

*Viceroyes  
do give ac-  
count of  
their Go-  
vernment.*

of, first unto their King and Councel, and receive again particular order for the same; and then they knowing that after their three years Government is ended, they must be private men again, and stay their fourty days as Subjects under the next new Governour, to give Reckoning of their doings against all that shall Accuse them (which in these Countries they call to make their residence,) they take heed what they do, and whom they offend, so as the condition of Nobility, is far different under such a strange Government, as this is termed, then under a Natural Prince of their own Country which oppresseth them at his pleasure.

*Much  
slaughter  
of Nobility  
in England*

But now to draw near homeward, if we will examine and consider what hath passed in *England* in this point of Massacring our Nobility, by our Domestical Princes, it is a matter lamentable, for it may seem that they have served oftentimes for our Princes to make disport and play with their Heads. And to let pass all those, which in time of Wars, Rebellions and Commotions, have been cut off, which occasions may seem more justifiable: I do read also in our Chronicles, that a *Sangue freddo*, as the *Italian* saith, that is to say, in time of Peace, and by Execution of Justice, at the Princes appointment, these Noblemen following, and Knights by Name, were put to Death, within the space of one five years, in King *Henry* the fourth his days. The Duke of *Exeter*, the Duke of *Surrey*, the Archbishop of *York*, the Earls *Salisbury*, of *Glocester*, of *Worcester* and of *Huntington*; the Earl *Mowbray*, Earl *Marshal*; the Barron of *Kinderton*, Sir *Roger Clarington* Bastard Son of *Edward* the Black Prince, Sir *Thomas Blunt*, Sir *Bernard Rocas*, Sir *Richard Vernon*. And again soon after under King *Edward* the fourth, in almost within as little space, the Dukes of *Somerset* and of

of Exeter, the Earls of Devonshire, of Oxford, and of Keyes, the Lord Roſs, the Lord Molyns, Sir Thomas Tudingham, Sir Philip Wentworth, Sir Thomas Fyndam, and many others afterwards, (for this was but at the beginning of his Reign) which number of Nobility, if a man ſhould have ſeen them alive together with their Trains, before they had been put down, he would have ſaid they had been a very goodly company, and pityful that ſo many of our own Nobility ſhould be brought by our own Princes to ſuch Confuſion.

But yet this matter may ſeem perhaps the leſs marvellous, and more excuſable, under thoſe two Kings, for that Troubles and Contentions had paſſed a little before in the Realm about the Succeſſion, and hereupon ſo many of the Nobility might be cut off: But let us ſee then what enſued afterwards, when things were eſtabliſhed, and all doubt of contention about the Succeſſion taken away, as in King Henry VIII. the his days it was; and yet do I find Reſiſted in our Chronicles theſe perſons following, either made away, cut off, or put down, by the ſaid King, to wit, two Queens, Ann and Catharine, three Cardinals put down and diſgraced, Woolſey, Pool, and Fiſher, whereof the laſt was Beheaded; ſoon after his Dignity given him in Rome, and the firſt was Arreſted, the ſecond Attainted of imagined Treasons: three Dukes put down, to wit, the Noble Dukes of Buckingham, Suffolk, and Norfolk; whereof the laſt loſt his Lands, Dignities and Liberty only, the former two both Lands and Lives. A Marqueſs with two Earls Beheaded, Devonshire, Kyldare and Surrey; two Counteſſes Condemned to die, Devonshire and Salisbury; and the latter Executed: Lords many, as the Lord Darcy, the Lord Huſſey, the Lord Montague, the Lord Leonard Gray, the Lord Dacres of the South, the Lord Cromwel, and ſix or ſeven

*Execution  
of Nobility  
by Henry  
the eight.*

Abbots;

Abbotts, Knights also in great number, as five in one day, with the Lords *Hussey* and *Darcy*, and five in another day, with the Earl of *Kildare*, whose Uncles they were; and besides them, Sir *Thomas Moor*, Sir *Rice Griffith*, Sir *Edward Nevel*, Sir *John Nevel*, Sir *Nicholas Carew*, Sir *Adrian Fortescue*, and divers other Knights of great Account; and then Gentlemen almost without end.

Under  
King Ed-  
ward and  
Queen  
Mary.

And all these within the space of 20 years of his Reign, and in the time of peace; and if we look upon but four or five years together of the Reign of this mans Children, we shall see the like course continued, for we shall see put to death within the space of four years, all these following by Name, the Duke of *Somerset*, the Duke of *Suffolk*, the Duke of *Northumberland*, and the Lord Admiral of *England*, Sir *Miles Partridge*, Sir *Ralph Vane*, Sir *Michael Stanhope*, Sir *Thomas Arundel*, Sir *John Gates*, Sir *Thomas Palmer* Knights, with divers other Gentlemen of their Retinue, and all these by Natural, Domestical and Home-born Princes; whereas I dare adventure the greatest Wager that I can make, that you shall not find so many put to death of the Nobility by any strange Prince, State, or Commonwealth Christian, in any Foreign Dominion that they possess, in many Ages together; and the reason thereof is evident, by that I said before, neither were it policy or wisdom, nor could the causes be so often, nor ordinarily given by the Nobility to a Prince that were absent from them to use such Severity; so as by this it may also appear, that to be under a Foreign Government, even in the worst kind thereof, that can be devised; which is to be as a Province or piece of another Kingdom, and to come under it by very Conquest it self, is not so dangerous a matter, as at the first shew it may seem, and much less to be under Foreign Government, by other sweeter means of  
Suc.

Succession, or Composition, as the present case of *England* seemeth to import, in respect of those foreign Princes which do pretend to the Succession thereof.

And this is not only shewed and declared by the state and condition of *Flanders*, before their tumults; but in like manner it is seen by the present state of *Britanny*, *Normandy*, *Aquitaine*, *Provence*, and other Dukedoms and Countries in *France*, that were wont to have their own particular Princes, and now are much more commodiously under the Crown of *France*. The like is seen by the States of *Naples*, *Millain*, *Sicily*, *Sardinia*, and other parts and Countries of *Italy*, which were wont to be under Kings and Princes of their own, and now are under the Crowns of *Aragon* and *Castile*, with infinite odds of peace, rest, security and wealth, then they were before when they had domestical Princes, and so themselves do confess, I mean the wise and dispassionate among them; (for of the Vulgar in this case no account is to be made,) and if they should deny it, yet the thing speaketh it self, and the publick Histories of their Countries would convincethem, wherein it is to be read, what *Phalaris*, what *Dionysius* and other home-born Tyrants *Sicily*, (for example,) hath had and suffered, and with what infinite cruelty they and divers others of their own Governours have exercised upon them, as also what continual turmoils there were in the City of *Naples* and in all that Kingdom for many years together, after it self fell from the Government, first of the *Roman* Empire, and then of the *Grecian*, until it came to the Crown of *Aragon*, I mean between their own domestical Kings, now of the Blood of *Italians*, now of the *Normans*, now of the *Hungarians*, and now of the *French*, (for of all these Lines there have reigned among them) and the Realm was a perpetual prey to Souldiers, and

*States governed happily by foreign Princes.*

*Old affections of Naples and Millain.*

and the very like may be said of *Millain*, after their fall from the *Roman* Empire, (under which they lived quiet and prosperously,) until they came again to be under the Crown of *Spain*, they passed infinite Tribulations first by the contention of their common People against their Nobility, and then by the Bloody falling out of their chief Families, the one against the other, to wit, the *Furiani*, *Visconti*, *Marcelli*, *Castilioni* and *Sforzi*, (which Family last of all prevailed,) he, I say, that shall remember this; and then behold the present state with the quiet peace, safety and riches wherein they now live, will now live, will easily confess that they have changed for the better, though they be under Foreign Government : and thus much of this point.

Whether a  
great or  
little  
Prince be  
better.

There remaineth to speak a word or two about the second part of the Question before proposed and included partly in this which already hath been treated, to wit, whether it be better to be under a little or great King, which question though it may be decided in part by that which before hath been alledged, about being under a foreign Prince, yet more particularly to make the same plain, these men do say that the reasons be many and evident to prove that the subjection to a great and mighty Monarch is far better : *First* for that he is best able to defend and protect his Subjects : And *secondly*, for that he hath least need ordinarily to pill and pole them; for that a little King, be he never so mean, yet must he keep the State of a King, and his subjects must maintain the same; and if they be but few, the greater will the burthen be of every one in particular : And *thirdly*, for that a great and potent Prince hath more to bestow upon his Subjects for reward of Vertue and Valour; than hath a poor; and seeing that every particular subject, born within his Princes Dominions, is capable of all the Prefermentes which Princes, State or Kingdom

dom do yield, if he be worthy of the same, it is a great Prerogative, (say these men,) to be born under a potent Prince, that hath much to give, which they declare by this example following.

A man that is born in the City of *Genova* or *Genova* (for both are Cities and States within themselves, (let him be of what ability or worthiness soever, yet can he hope for no more preferment, than that Commonwealth and State can give; and if there should be many worthy men born there at one time, then were this his condition worse, for then must he part also with other men, though there were not sufficient for himself, and the most he could aspire unto, if he were an Ecclesiastical man, were the greatest Benefice within that State; and on the other side, if he were a Temporal man, he could not hope for much, for that the State hath it not to bestow; but another that is born under a great Monarch, as is the King of *France* or *Spain*, in these our dayes, that hath so many great Bishopricks, (for Examples sake,) and other Spiritual Livings to bestow upon the Clergy, and so many high Governments and Employments both of War and Peace, to give unto Temporal men that can deserve the same; This man, (I say) hath a great Advantage of the other, in respect of preferment at this day, but much more was it in old time, to be born under the *Roman* Empire, when it had the preferments of all the World to bestow; for that every subject thereof was capable of all the said preferments, so far forth as he could make himself worthy, and deserve the same. For better explication of which point yet, I have thought good to cite in this place the words of a certain Learned Knight, that in our dayes hath written the Lives of all the *Roman* Emperours, and in the Life of one of them, that was an excellent Governour, named *Antonius Pius* the said Knight hath this discourse ensuing.

Pedro Mer-  
rio en vic.  
de Anto-  
nio Pius

There



The felicity  
of the Ro-  
man Go-  
vernment

There was in this mans Governments (said he) great Contentment and Joy on all hands, great Peace and Quietness, and very great Justice, and truly it is a thing worthy in this place to be considered, what was the humane Power, and how infinite the Forces of the Roman Empire at this day, and how great was the Liberty, Quietness, Security, Wealth and Contentment of the Subjects that lived under that Government, when good Princes had the managing thereof; as was this Antoninus and his Son Aurelius, that followed him, and as were Adrian, Trajan and divers others. What a thing was it to see their Courts frequented freely by all the Noble, Valiant and Learned men of the World, to see the union and friendly dealing of different Nations together, when all served one Prince, so as a man might have gone over the whole World, or most and best parts thereof, with all security, and without all fear, all Nations and Countries being their Friends, Neighbours or Subjects; neither was there need at that time of any Passports or safe Conduits, nor of so often change of Coyn, to travel, as now there is, neither yet were there new Laws every foot as now be found in different Countries, neither was there danger of Enemies, or to be taken prisoners and captives, nor could any malefactor do a mischief in one Countrey and flee into another, thereby to be free from punishment, and he that was born in the very Orcades, or furthest part of Europe, was at home, though he were in Africa or Asia, and as free a Denizen as if he had been born there, Merchants also might pass at that day from Countrey to Countrey with their Merchandise, without particular Licences or fear of Forfeits; and finally the temporal state of a Subject was wonderful happy at that time.

Thus far discoursed that learned Knight, and no doubt but that his discourse and consideration is founded on great Reason, and he that will leave at this day the many commodities of being under a  
Great

Great and Potent Prince, (if it lie in his own hands to chuse) for this only circumstance that he is not born in the same Countrey with him, is a man of small judgment and capacity in these mens opinion, and measureth matters of publick utility, with a false weight of fond affection.

And thus much may be said of the first way of being under Strangers and Foreign Government, which is that which vulgar men do most abhor and inveigh against, to wit, to be under a foreign Prince, that liveth absent and ruleth by his Governours.

But besides this, there is another manner of being under a Foreign Prince, as when an Alien Prince cometh to dwell among us, and this by either of two ways, to wit, that either this Prince cometh without Forces, as did King *Stephen* and King *Henry* the II. that were *French* men, as hath been said, and came to live and govern in *England*, but without external Forces: and as King *Philip* of *Spain* came afterwards, when by Marriage of Queen *Mary* he became King of *England*: and as the last King *Henry* the III. of *France* went into *Polonia* by the free Election and Invitation of that Nation, and as his Brother Monsieur *Francis* Duke of *Alençon* should have entred afterward to have been King of *England*, if the Marriage pretended between her Majesty and him had gone forward and taken effect, as many thought once that it should. This I say is one way, and another is, that this Prince do bring Forces with him, for his own assurance, and these either present, as the *Danish* Kings, *Sweno*, *Cannutus*, *Haraldus* and *Hardicannutus* did, and as after them the *Norman* Princes also used, I mean not only *William* the Conquerour himself, but also his two Sons *William Rufus* and *Henry* the I who either by help of the *Normans*, already in *England*, or by others brought in by them afterwards, wrought

*The second way of being under a foreign Prince.*

A a

their

## A Conference touching Succession

their will, or else that this Prince so entring have Foreign Forces, so at hand, as he may call and use them when he will, for that they have no Sea to pass, which is the case of the King of *Scots*, and of both these wayes these men do give their sentence distinctly.

*A foreign Prince without Forces not prejudicial*

For as concerning the former way, when a Foreign Prince entreth without any Forces at all, and with intention to live among us, they hold, that there is no danger, nor yet any inconvenience can justly be feared: for that in this case he subjecteth himself rather to the Realm and Nation, than they to him, and if he live and marry in *England*, both himself and his Children will become *English* in a little space. And for his own assurance he must be enforced to favour and cherish and make much of the *English* Nation, and be liberal, gentle and friendly to all, for gaining their good wills and friendship. And in one very great and important point his condition is different, and better for the *English* than any *English* Kings can be, which is, that he entreth with indifferent mind towards all men, hath no kindred or alliance within the Land, to whom he is bound, nor enemy against whom he may be inticed to use cruelty, so as only merit or demerit of each man, must move him to favour or disfavour, which is a great Foundation (say these men) of good and equal Government.

*Note this utility of a foreign King.*

*The manner of foreign Prince more commodious for the present.*

Again they say, that in respect of the State present of *England*, and as now it standeth, and for the publick good not only of the common Subjects, but also of the Nobility, and especially and above others, of the *English* Competitors and Pretenders that cannot all speed, no way were so commodious, as this to avoid bloodshed, to wit, that some external Prince of this time should be admitted upon such Compositions and Agreements, as both the Realm should remain with her ancient Liberties, and

and perhaps much more than now it enjoyeth, (for such Princes commonly and upon such occasions of Preferment would yield to much more in those Cases than a home-born Prince would,) and the other Pretenders at home also, should remain with more security than they can well hope to do under any *English* Competitor, if he come to the Crown, who shall be continually egged on by his own kindred, and by the aversion, emulation and hatred, that he has taken already by contention against the other opposite Houses, to pull them down, and to make them away, and so we have seen it by continual Examples, for many years, though no occasion, (say these men,) hath ever been offered to suspect the same so much as now, if any one of the home *English* Blood be preferred before the rest, and this is so much as they say to this second kind of being under Foreign Princes. To the *third*, they confess, that it standeth subject to much danger and inconvenience, to admit a foreign Prince, to live among us with Forces, either present or so near, as that without resistance he may call them when he listeth, and of this he needeth no more proof, (say these men,) than the Examples before alledged of the *Danes* and *Normans*, and the Misery and Calamity which for many years the *English* passed under them, and furthermore the reason hereof is evident, say these men; for first in this third kind of admitting a stranger King we are deprived by his dwelling amongst us, of those Utilities before mentioned, which *Ireland*, *Flanders*, *Britany*, *Naples*, and other States enjoy by living far off from their Princes, which Commodities are, much more Liberty and Freedom, less Payments, less Punishments, more Employments of the Nobility and others in Government, and the like. And secondly, by his coming Armed unto us, we cannot expect those Commodities, which before I touched

*A third way of being under foreign Government.*

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in the second kind of Foreign Government, but rather all the Incommodities and Inconveniences that are to be found either in domestical or foreign Governments, (all I say) do fall upon this third manner of admitting a Stranger, as easily shall be seen.

*Dangers  
of domestical  
Government.*

For *first* of all, the greatest Incommodities that can be feared of a domestical Prince, are pride, cruelty, partiality, pursuing of Factions, and particular hatred, extraordinary advancing of his own kindred, pressing, pinching, and over-rigorous punishing of his People without fear, for that he is ever sure of his party to stand with him within the Realm, and so hath the less respect to others, and for that all these inconveniences and other such like, do grow for the most part by the Princes continual presence among his Subjects, they are incident also to this other, though he be a stranger, for that he is also to be present, and to live among us, and so much the more easily he may fall into them than a domestick Prince, for that he shall have both external counsil of a People that hateth us, to prick him forward in the same, which two motives every domestical Prince hath not.

*Inconveniences  
of  
this Government.*

Again they say, that the worst and greatest Incommodities of a foreign Government, that may be feared, are tyranny and bringing into servitude the People, over whom they govern, and filling of the Realm with Strangers, and dividing to them the Dignities, Riches and Preferments of the same, all which they say are incident also by all probability to this third kind of foreign Government, where the Prince Stranger liveth present and hath Forces at hand to work his will, and this is the case say they, of the King of *Scots*, who only of any foreign Pretender seemeth may justly be feared, for these and other reasons alledged before, when we talked of his pretence to the Crown.

To

n To conclude then, these men are of opinion, that of all these three manners of being under Strangers, or admitting foreign Government, this third kind peculiar as it were to the King of Scots Case, is to be only feared, and none else, for as for the second they say that it is not only not to be feared, or abhorred, but rather much to be desired, for that of all other sorts it hath the least inconveniences, and most Commodities, for which causes we read and see, that where Kings go by Election, commonly they take Strangers, as the *Romans* and *Lacedemonians* did often at the beginning, and after the beginning of the *Roman* Monarchy their foreign born Emperours, were the best and most famous of all the rest, as *Trajan* and *Adrian* that were *Spaniards*, *Septimius*, *Severus*, born in *Africa*, *Constantine the Great* Natural of *England*, and the like, and the very worst that ever they had, as *Caligula*, *Nero*, *Heliogabalus*, *Commodus* and such other like Plagues of the Weal publick, were *Romans*, and in our days and within a few years we have seen that the *Polonians* have chosen three Kings Strangers, one after another, the First *Stephen Batorius* Prince of *Transylvania*, the Second *Henry* of *France*, and last of all the Prince of *Syecia* that yet liveth, and the State of *Venetians* by way of good Policy have made it for a perpetual Law, that when they have War to make, and must needs chuse a General Captain, and commit their Forces into his Hands, he must be a stranger, to wit, some Prince of *Italy*, that is out of their own States, hereby to avoid partiality, and to have him the more indifferent, and equal to them all, which yet so many prudent men would never agree upon, if there were not great reason of Commodities therein, so as this point is concluded, that such as speak against this second kind of having a foreign Prince, speak of passion, or inconsideration, or lack of experience in matters of State and Commonwealths.

Strange  
Gover-  
nours de-  
sired in  
some  
Realms.

The Answer to objections against foreign Government.

As for the first manner of being under foreign Government, as a Member or Province of another bigger Kingdom, and to be governed by a Deputy, Viceroy or strange Governour, as *Ireland, Flanders, Naples*, and other States before-mentioned be, with certain and stable Conditions of Liberties and Immunities, and by a form of Government agreed upon on both sides, these men do most confess also that there may be Arguments, Reasons, and Probabilities alledged on both sides, and for both parties; but yet that all things considered and the inconveniences, hurts and dangers before rehearsed, that Subjects do suffer also oftentimes at the hands of their own natural Prince, these men are of opinion, for the causes already declared, that the Profits are more and far greater than the damages or dangers of this kind of foreign Government are, and so they do answer to all the Reasons and Arguments alledged in the beginning of this Chapter, against foreign Government, that either they are to be understood and verified only of the third kind of foreign Government before-declared, (which these men do confess to be dangerous) or else they are founded for the most part in the error and prejudice only of the vulgar sort of men, who being once stirred up by the name of Stranger, do consider no further what reason or not reason there is in the matter, and this say these men, ought to move these men little, for as the common people did rise in tumult against the *French*, (for example,) in *Sicilia*, and against the *Danes* in *England*, so upon other occasions would they do also against their own Countreymen, and oftentimes have so done, both in *England* and other where, when they have been offended, or when seditious Heads have offered themselves to lead them to like Tumults, so that of this they say little argument can be made.

The

The like in effect they do answer to the Examples before alledged of the *Grecian* Philosophers and Orators, that were so earnest against Strangers. And First to *Aristotle* they say, that in his *Politicks* he never handled expressly this our Question, and consequently weighed not the Reasons on both sides, and so left it neither decided, nor impugned, and he that was Master to *Alexander*, that had so many foreign Countries under him, could not well condemn the same: and as for *Demosthenes* no marvel though he were so earnest against King *Philip* of *Macedonia* his entry upon the Cities of *Greece*, both for that he was well fed on the one side, by the King of *Asia*, (as all Authors do affirm,) to the end he should set *Athens* and other *Grecian* Cities against King *Philip*, as also for that his own Commonwealth of *Athens* was governed by popular Government, wherein himself held still the greatest sway by force of his Tongue with the People, and if any King or Monarch of what Nation soever should have come to command over them, (as *Philip's* Son, King *Alexander the Great*, did soon after,) *Demosthenes* should have had less authority, than he had, for that presently he was banished, and so continued all the time that *Alexander* lived. But if we do consider how this State of the *Athenians* passed afterward under the great Monarchy of *Alexander* and other his followers, in respect that it did before, when it lived in liberty, and under their own Government only, he shall find their State much more quiet, prosperous and happy under the Commandment of a Strangers, than under their own, by whom they were continually tossed & turmoiled with battels, emulations and seditions, and oftentimes tyrannized by their own People as the Bloody Contentions of their Captains *Aristides*, *Themistocles*, *Alcibiades*, *Pericles*, *Nicias* and others do declare, and as it is

Answer  
the Gre  
cian Phi  
losophers  
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Demosthe  
nes.

The troubl  
some state  
of the  
Grecian  
Cities.



Arist. l. 2.  
 Polit. c. 1.  
 2.

evident among other things by their wicked Law of *Ostracismus*, which was to banish for ten years whosoever were eminent, or of more wisdom, wealth, valour, learning or authority among than the rest, albeit he had committed no crime or fault at all. And finally their having of thirty most horrible and bloody Tyrants at one time in their City of *Athens*, instead of one Governour, doth evidently declare the same, (say these men,) and do make manifest how vain and foolish an imagination it was, that vexed them how to avoid the Government of Strangers, seeing that no Strange Governour in the World would ever have used them as they used themselves, or so afflict them, as they afflicted themselves.

Ar to  
 obje-  
 on out of  
 Deutero-  
 nomy.  
 Deut. 15.

To the *Objection* out of *Deuteronomy*, where God appointeth the *Jews* to chuse a King only of their own Nation, these men do answer, that this was at that time, when no Nation besides the *Jews* had true Religion among them, which point of Religion the *Civilian* hath well declared before, in his last discourse, to be the chiefest and highest thing that is to be respected, in the admission of any Magistrate, for that it concerneth the true and highest End of a Commonwealth and of all humane Society, and for that the *Gentiles* had not this Ornament of true Religion, but were all destitute generally thereof, the *Jews* were forbidden not only to chuse a King of the *Gentiles*, which might pervert and corrupt them, but also to company, converse, or eat and drink with them, and this was then: but yet afterward when Christ himself came into the World, and opened his Church both to *Jew* and *Gentile*, he took away this restraint, so as now all *Christian* Nations are alike, for so much as appertaineth unto Government. And consequently to a good and wise Christian man, void of passion and fond affection, it little importeth, (as often before hath

hath been said,) of what Countrey, Nation or Lineage his Governour be, so he Govern well, and have the parts before required of Piety, Religion, Justice, Manhood and other the like, requisite to his Dignity, Degree and Charge, by which parts and virtues only his subjects are to receive benefits, and not by his Countrey, Generation, Lineage or Kindred; and this is so much as I have to say at this time about this Affair.

## CHAP. X.

*Other Secondary and Collateral Lines, and how-extream doubtful all these Pretences be, and which of all these Pretenders are most like to prevail in the end, and to get the Crown of England.*

**A**fter the Lawyer had ended his Discourse, about Foreign Government, he seemed to be somewhat wearied; and said he would pass no further in this Affair, for that he had nothing else to say but only to note unto them, that besides these principal Titlers of the five Houses mentioned, of *Scotland, Suffolk, Clarence, Britanny and Portugal*, there were other Secondary Houses and Lines also issued out of the Houses of *Lancaster and York*, as also of *Glocester, Buckingham*, and some other, as may appear by the Genealogies set down before in the II. and III. Chapters, of which Lines, (said he,) there may be perhaps consideration, and also by Commonwealth, when time shall come of choice or admission; the matter standing so as the *Civilian* hath largely declared and shewed before, which is, that upon such just occasions, as these are, the Commonwealth may consult what is best to be done, for her good and preservation, in admitting this or that

*Secondary Lines.*

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that Pretender, seeing that this is the end why all Government was ordained, to benefit the Publick.

And for so much as there is such variety of Persons Pretendents, or that may pretend, in the five Houses already named, as before hath been declared, (which Persons at least do make some dozen more or less,) and that besides these, there want not others also of Secondary Houses, as is evident as well by the former Discourse, as also by the *Arbor* that of these matters is to be seen, the Lawyer turned to affirm that the

*Ambiguity  
of Prevailing.*

doubtful, who shall in the end prevail, for that besides the Multitude before-named of Pretenders, he avouched very seriously, that after all this his Speech, he could not well resolve with himself, which of all these Titles in true Right of Succession was the best, and much less which of the Titlers was likest to prevail, and this I presume the Lawyer told them of himself, for that he did easily foresee and imagine, that after all these Arguments, on every side alledged, he should be requested by the Company, (as vehemently he was) to put down his opinion what he thought and judged of all the whole matter hitherto discussed, and of every mans pretence in particular.

Which in no case he could be brought to do for a long time, but refused the same utterly and craved pardon; and yielded many Reasons why it was not convenient, and might be odious. But all would not serve to acquiet the Company, which with all earnest importunity urged him to satisfy their Request, and so upon large and earnest Entreaty, he was content in the end to yield to this only, that he would lay together by way of discourse the probabilities of every side, and lastly set down in two or three Propositions, or rather Conjecturs, his private guess which of them in his judgment was likest to prevail

*First*

First then he began to say, that the probabilities of prevailing or not prevailing of every one of these Pretenders in the next Succession of the Crown of *England* these Pretenders may be considered and measured either in respect of the party of Religion, that was like in *England* to favour him, and his pretence, or else in respect of his own particular Family, Friends and Allies, both at home and abroad. And for that the Party of Religion is like to weigh most, and to bear the greatest sway, and most potent suffrage and voice, in this action, and that with reason, according to that the *Civilian* hath proved at large in the last of his Discourses: therefore shall I also, (quoth the Lawyer,) first of all then treat of this point of Religion in this my last Speech.

Two  
Grounds of  
probability  
of speeding

It is well known, (said he,) that in the Realm of *England* at this day there are three different and opposite Bodies of Religion, that are of most bulk, and that do carry most sway and power, which three Bodies are known commonly in *England* by the names of *Protestants*, *Puritans* and *Papists*, though the latter two do not acknowledge these Names, and for the same cause would not I use them neither, if it were not only for clearness and brevities sake, for that, as often I have protested, my meaning is not to give offence to any Side or Party.

Three Re-  
ligions in  
England.

These three Bodies then, (quoth he,) do comprehend in effect all the Force of *England*, and do make so general a division and separation throughout the whole Land in the hearts and minds of their Friends, Favourers and followers, as if I be not deceived, no one thing is like so much to be respected in each Pretender, for his advancement or depression, as his Religion or inclination therein, by them that must assist him at that day, and are of different Religions themselves. And more I am of

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*The great  
Importance  
of Religion  
in this  
Action.*

opinion, (said he,) that albeit in other changes heretofore in England, as in the entrance of King *Edward* and Queen *Mary*, and of this Queens Majesty that now is, divers men of different Religions did for other respects concurr and joyn together for these Princes advancement, (notwithstanding that afterwards many of them repented the same) which is to be seen, in that for King *Edward* all the Realm without exception did concurr, and for Queen *Mary*, it is known, that divers *Protestants* did by name, and among other points it is also known that Sir *Nicholas Throgmorton* a fervent *Protestant* in those days, being of King *Edward's* Privy Chamber, did not only advise her of the sickness and decay of King *Edward* from day to day, but also was the first that sent an expresse Messenger to advise her of her Brother's death, and what the two Dukes of *Northumberland* and *Suffolk* did contrive against her, and that with such celerity, that King *Edward* dying but on *Thursday* night, the 10th. of *July*, the Lady *Mary* was most certainly advised thereof by *Saturday* morning next, and that very early, in *Kenning-hall-Castle* of *Norfolk*, 80. Miles off, and divers other *Protestants* did assist her also, in that her Entry, as in like manner all those of the *Roman Religion*, without exception, did assist her Majesty that now reigneth, after the decease of the said Queen *Mary*, and this was then.

*The next  
Change  
like to be  
difficult,  
and why.*

But I am of opinion, that matters will fall out far otherwise at the next Change, and this partly peradventure, for that the titles of Succession in the Pretenders are not so clear, but rather much more doubtful now than they were then, and partly, (or rather principally,) for that men in time are come to be of more resolution and determination in matters of Religion; and by contention and pursuing one the other, are become more opposite and  
enc;

enemies, and more desirous of revenge, and further also than this, those that be of milder and better condition, and have not these passions in them, yet by Reason and Experience they do see the great absurdity and inconvenience that ensueth, by that a man of one Religion should give aid to the advancement of a Prince, of a contrary Religion, to that which himself doth esteem and hold for only truth, which, in him that so doth, cannot be denied, but that it is a point of little zeal at the least, if not contempt of God and of Religion, or of plain atheism, as others will call it. And moreover, I remember that the *Civilian* before in the end of his Speech, inveighed also much against this point, and shewed that besides lack of Conscience and Religion, it was in like manner against all humane wisdom and policy, to favour a pretender of a different Religion from himself, and this for divers reasons, that he laid down, which reasons I confess prevailed much with me, and I do allow greatly of that his opinion and assertion, which averred that the first respect of all others ought to be *GOD* and *Religion* in this great Affair of making a *King* or *Queen*, and that without this no Title whatsoever ought to prevail or be admitted by *Christian* men, and that the Cities of *France* at this day do not amiss but justly and religiously (so long as they are of that Religion that they are) to stand against the King of *Navarr*, (though otherwise by descent they do confess his Title to be clear and evident,) for that he is of contrary Religion to them.

Wherefore seeing that the very same Case is like or rather certain to ensue one day in *England*, and that it is most probable that each Party of the Realm will stand most upon this Point, that is to say, upon the defence and advancement of their Religion, and of such a King as shall be known to favour the same that themselves be of; let us examine

min a little, if you please, quoth he, what force & ability each of these three Bodies of Religion now mentioned, is like to be of at that day in *England*, for effectuating or promoting this purpose of a new King.

*The consideration of the Protestant Party.*

And first to begin with the *Protestant*, as with him that hath the sway of Authority and present Power of the State in his favour, no doubt but that his force will be also great, at that day, (said he,) and especially if he can conceal for a time the decease of her Majesty, untill he may be able to put his Affairs in order, but this is holden to be either impossible or very hard, for the different judgments and affections which are not thought to be wanting in the Court Council and Princes Chamber it self, whereof we saw the effect, (as before I told you,) at the death of King *Edward*, which was as much endeavoured to be kept, as ever any was, and as much it imported the Concealers, and yet within not many hours after, had the Lady *Mary* most certain notice thereof by those that were opposite to her in Religion, as I have shewed before, so ardent are mens minds in such occasions, and so capable of new impressions, designments and desires, are all kind of subjects upon such great changes.

*The Clergy*

A chief Member of the *Protestant* Body, (as you know,) for Wealth and Force, is the Clergy of *England*, especially the Bishops and other men in Ecclesiastical Dignity, which are like to be a great Back to this Party, at that day: though some men think that it cannot be very certain, which part of the Nobility and Council will stick unto them, for that many in heart are presupposed to favour the *Puritan*. And for the Privy Council in particular, though during the Princes Life their Authority be Supream, yet is it not so afterward, nor have they any publick Authority at all, the *Prince* having once expired, but only as Noblemen or Gentlemen according to each mans State

*The Council and Nobility.*

State and Calling in severall, and for the next Successor, seeing none is known nor sworn in the Life of this Prince, (nor were it her safety that any should be.) clear it is, that after Her Majesties decess every man is free untill a one wne be established by the *Commonwealth*, which establishment doth not depend upon the appointment or will of any few, or upon any mans proclaiming of himself, (for divers are like to proclaim themselves,) but upon a general consent of the whole Body of the Realm, which how it will be brought to pass, God only knoweth, and to him we must commend it.

I do not know, quoth he, of any certain person pretendent, to whom this *Protestant* Party is particularly devoted at this day, more than to the rest, though the House of *Harisford* was wont to be much favoured by them, but of latter years little speech hath been thereof, but rather of *Arabella*, whom the Lord Treasurer is said especially to be at this present, though for himself it be held somewhat doubtful whether he be more fast to the *Protestants*, or to the *Puritan*, but if the *Protestant* Party should be divided, then their Forces will be the less. The Authority of Her Majesty is that which at this present overbeareth all, when that shall fail, no man knoweth what the event will be, for that now mens hearts are hardly discerned.

Their Foreign Friends and Allies are of good number, especially if the King of *France* proceed well in his Affairs, and do not indeed change his Religion as he pretendeth that he will, but yet if the *Puritan* do stand against them, he is like to pull much from them, both in *France* and *Holland*, and as for *Scotland*, it must needs be against them both, and this in respect of his own pretence, except the same be favoured by them, I mean by these two Factions in *England* which is hardly thought that any of them both will do, for the reasons before alledged, though some

*Persons designed or favoured by the Protestant Party.*

*Foreign Friends of the Protestants.*



some more hope may be that way, of the *Puritan*, than of the *Protestant*, by reason of the said Kings nearness to them in Religion.

Of the  
Party Pu-  
ritan.

The *Puritan* is more generally favoured throughout the Realm with all those which are not of the *Roman Religion*, than is the *Protestant*, upon a certain general perswasion, that his Profession is the more perfect, especially in great Towns where *Preachers* have made more impression in the *Artificers* and *Burgessees*, than in the *Country People*. And among the *Protestants* themselves, all those that are less interested in *Ecclesiastical Livings*, or other *Preferments* depending of the *State*, are more affected commonly to the *Puritans*, or easily are to be induced to pass that way for the same reason. The Person most favoured by the *Puritans* hitherto in common voice and opinion of men, hath been the Earl of *Huntington*, some speech of late of some diminution therein, and that the Lord *Beacham*, since his Marriage, hath entered more in affection with them. The King of *Scots*, (no doubt,) if he were not a stranger, and had not the difficulties before mentioned, were for his Religion also very plausible. I do not hear that the Earl of *Darby* or his Mother is much forward with these or with the *Protestant*, though of the latter sort some are supposed to wish them well,

Persons  
affected  
by the  
*Puritans*.

External  
Friends.

The Friends and Allies of the *Puritans* abroad are the same, that are of the *Protestant*, to wit, those of *Holland* and *Zeeland*, and such Towns of *France* as follow the new King, and jointly have changed their Religion, which are not many, for that his greatest Forces are yet those of the *Roman Religion*, but yet if the said King prevail and persevere in his Religion, (which of late, as I have said, is called in doubt by his often Protestations to the contrary and open going to Mass,) then will he be able to give good assistance, though both these Countries, (I mean both *Holland* and *France*,) are liker in some mens opinions

to assist the *Puritan* than the *Papist*, if the matter come in difference between them, for that in truth they are more conform to the *Puritan* Religion. And as for the *German* Cities, that keep yet and follow the particular form of *Luther* in Religion, they are like to do little for either Party, both for their difference from both Parties in Religion, and for that they are poor, for the most part, and not active nor provided to give succour abroad, except they be drawn thereunto by force of Money.

Lutherans

The *Puritan* Part at home in *England* is thought to be most vigorous of any other, that is to say, most ardent, quick, bold, resolute, and to have a great part of the best Captains and Souldiers on their side, which is a point of no small moment. Greatly will import among other points, which way inclineth the City of *London*, with the *Tower*, whereof the *Puritan*, (as is said,) wanteth not his probability, as neither doth he of some good part, (if not more) of the Navy, to be at his devotion, which point perhaps at that day will be of as great consequence as any thing else. And so much of him.

The Puritan at home.

The third Body of Religion, which are those of the *Roman*, who call themselves *Catholicks*, is the least in shew, at this present, by reason of the Laws and Tides of the time, that run against them, but yet are they of no small consideration in this Affair, to him that weigheth things indifferently; and this in respect as well of their Party at home, as of their Friends abroad; for at home they being of two sorts, as the World knoweth, the one more open that discovers which are the Recusants, and the other more close and privy, that accommodate themselves to all external proceedings of the Time and State, so as they cannot be known, or at least wise not much touched: We may imagine that their number is not small, throughout the Realm, and this party for the reason I mentioned before, in that the most part of

Those of the Roman Religion.

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The Ro-  
man Par-  
ty great,  
and why.

1 Reg. 22

the Countrey-People, that live out of Cities and great Towns, (in which the greatest part of English Forces are wont to consist,) are much affected ordinarily to their Religion, by reason that Preachers of the contrary Religion are not so frequent with them as in Towns, and partly also for that with these kind of men, as with them that are most afflicted and held down, at this time, by the present State, many others do joyn, (as the manner is,) *Et omnes qui amaro animo sunt, cum illis se conjungunt*, as the Scripture said of those that followed David's Retinue pursued by Saul and his Forces, which is to say, that all that be offended, grieved, or any way discontented with the present time, be they of what Religion soever, do easily joyn with these men, according to the old saying *Solatium est miseris socios habere miseris*, besides that there is ever lightly a certain natural compassion, that followeth in men, towards those that are thought to suffer, or be pursued, and this oftentimes in the very enemy himself, and then of compassion springeth, as you know, affection, and of affection desire to help, as contrariwise do rise commonly the contrary effects, *to wit*, emulation, envy, and indignation against the prosperity of him that pursueth, and is in prosperity.

And for that in so great and populous a Realm and large a Government, as this of Her Majesty hath been, there cannot want to be many of these kind of discontented men, as also for that naturally many are desirous of Changes, it cannot be supposed but that the number of this sort is great, which maketh this Party far the bigger.

Effects of  
pressing in  
Religion.

Moreover, it is Noted, that the much dealing with these men, or rather against them, and this especially in matters of their Religion, for these latter Years past, hath much stirred them up, (as also the like is to be noted in the Puritan,) and made them far more eager in defence of their Cause, according

ding to to the saying, *Nititur in vetitum semper*—  
and as a little brook or river, though it be but shallow, and run never so quiet of it self, yet if many barres and stops be made therein, it swelleth and riseth to a greater force, even so it seemeth that it hath happened here, where also the sight and remembrance of so many of their *Seminary Priests*, put to death for their Religion, (as they account it,) hath wrought great impression in their hearts, as also the notice they have received of so many Colledges and *English Seminaries* remaining yet, and set up of new, both in *Flanders, France, Italy and Spain*, for making of other Priests in place of the Executed, doth greatly animate them, and holdeth them in hope of continuing still their Cause, and this at home.

As for abroad, it is easie to consider what their Party and Confidence is, or may be, not only by the *English* that live in exile, and have their Friends and Kindred at home, but also principally by the affection of foreign Princes and States, to favour their Religion, whose Ports, Towns and Provinces lie near upon *England* round about, and for such a time and purpose, could not want commodity to give succour, which being weighed together, with the known inclination, that way, of *Ireland*, and the late Declaration made by so many of the *Scottish Nobility* and Gentlemen also, to favour that Cause, all these Points, I say, put together, must needs persuade us, that this Body is also great and strong, and like to bear no small sway in the deciding of this controversy for the Crown, when the time shall offer it self for the same. And so much the more, for that it is not yet known, that these are determined upon any Person whom they will follow, in that action; nor as it seemeth are they much inclined to any one of the Pretenders in particular, (wherein it is thought that the other two Parties either are or may be divided among themselves, and each part al-

*Friends  
and Allies  
abroad.*

## A Conference touching Succession

so within it self, for that so different persons of those Religions do stand for it,) but rather it is thought that these other of the *Roman* Religion do remain very indifferent to follow any one that shall be set up for their Religion, and is likest to restore and maintain the same, be he Stranger or Domestical, which determination and union in general among, if they hold it still and persevere therein, must needs be a great strength unto their Cause, and give them great sway wheresoever they shall bend at that day, as by reason is evident. And so much of this matter.

*Considerations of each Pretender in particular.*

It remaineth then that after these Considerations of the three Bodies in general, we pass to view of each Family, House and Person pretendent in particular, and therein to contemplate what may be for him, and what against him, in this pretence and pursuit of the Crown.

*The King of Scotland*

And to begin first of all with the King of *Scotland*, as with him, who in vulgar opinion of many men is thought to be first and foremost in this action by way of Succession, (albeit others do deny the same, and do make it very doubtful, as before hath been declared,) yet if we do consider not his Title, (for of that we have spoken sufficiently before in the 5<sup>th</sup>. Chapter,) but other circumstances only of his Person, State, Condition, and the like, (of which points only we are to treat in this place,) then must we confess that as on the one side there are divers points that may further him and invite men to favour his cause, so wants there not other to hinder the same. The points, that may invite, are his Youth, his being a King, his moderate nature in that he hath shed little blood hitherto, his affection in Religion to such as like thereof, and the like; but, on the other side, the reasons of State before laid against him, do seem to be of very great force, and to weigh much with *English* men, especially those of his Alliance with the *Danes*, and dependance of the *Scotish* Nation. And

as for his Religion, it must needs displease two Parties of three before mentioned, and his manner of Government therein perhaps all three.

As for *Arabella*, in that she is a young Lady, she is thereby fit, (as you know,) to procure good wills and affections, and in that she is unmarried, she may perhaps by her Marriage join some other Title with her own, and thereby also Friends. But of her self she is nothing at all allied with the Nobility of *England*, and except it be the Earl of *Shrewsbury*, in respect of Friendship to his old Mother in Law, that is Grand Mother to the Lady, I see not what Noble man in *England* hath any band of Kindred or Alliance to follow her. And as for her Title, it seemeth as doubtful as the rest, if not more, as by that which hath been said before, hath appeared. And for her Religion, I know it not, but probably it can be no great Motive, either against her or for her, for that by all likelihood it may be supposed to be as tender, green and flexible yet, as is her age and sex, and to be wrought hereafter, and settled according to future events and times.

In the House of *Suffolk*, the Lord *Beacham* and the Earl of *Darby* have the difference of Titles that before hath been seen, and each one his particular reasons why he ought to be preferred before the other, and for their other Abilities and Possibilities they are also different, but yet in one thing both Lords seem to be like, that being both of the Blood Royal, they are thought to have abused themselves much by their Marriages with the two Knights Daughters Sir *Richard Rogers*, and Sir *John Spenser*, though otherwise both of them very worshipful, but not their Matches in respect of their Kindred with the Crown, yet doth the Alliance of *S. John Spenser* seem to bring many more Friends with it, than that of Sir *Richard Rogers*, by reason of the other Daughters of Sir *John*, well married also, to Persons of im-

*Arabella.**The Lord Beacham and the Earl of Darby.*

portance, as namely the one to Sir *George Carey* Governour of the Isle of *Wight*, who bringeth in also the Lord *Hunsdon* his Father Captain of *Barwick*, two of the most important pieces that *England* hath.

*Alliance of  
the Earl  
of Darby.*

And for that the said Lord *Hunsdon* and the Lady *Knowles* deceased were Brother and Sister, and both of them Children to the Lady *Mary Bullew*, Elder Sister to Queen *Anne*, hercof it cometh that this Alliance with Sir *George Carey* may draw after it also the said House of *Knowles*, who are many and of much importance, as also it may do the Husbands of the other Daughters of Sir *John Spencer*, with their adherents and followers, which are neither few nor feeble, all which wanteth in the Marriage of the Lord *Beacham*.

*Alliance of  
the Sey-  
mers.*

Another difference also in the ability of these two Lords, is, that the House of *Seymers* in State and Title of Nobility, is much younger than the House of *Stanleys*, for that *Edward Seymer* late Earl of *Hartford*, and after Duke of *Somerset*, was the first beginner thereof, who being cut off together with his Brother the Admiral, so soon as they were, could not so settle the said House, especially in the Alliance with the residue of the Nobility, as otherwise they would and might have done. But now as it remaineth, I do not remember any Alliance of that House, of any great moment, except it be the Children of Sir *Henry Seymer* of *Hampshire*, and of Sir *Edward Seymer* of *Bery Pomery* in *Devonshire*, if he have any, and of Sir *John Smith* of *Essex*, whose Mother was Sister to the late Duke of *Somerset*, or finally the Alliance that the late Marriage of the Earl of *Hartford*, with the Lady *Frances Howard*, may bring with it, which cannot be much, for so great a purpose as we talk of.

But the Earl of *Darby*, on the other side, is very strongly and honourably allied both by Father and Mo-

Mo-

Mother, for by his Father, not to speak of the *Stanleys*, which are many, and of good Power, and one of them matched in the House of *Northumberland*,) his said Father, the old Earl had three Sisters, all well married, and all have left Children, and Heirs of the Houses wherein they were married, for the elder was married first to the Lord *Sturton*, and after to Sir *John Arundel*, and of both Houses hath left Heirs-male. The second Sister was married to the Lord *Morley*, by whom she hath left the Lord that now is, who in like manner hath matched with the Heir of the Lord *Montegle* who is likewise a *Stanley*. And finally the third Sister was married to Sir *Nicholas Poynes* of *Glocestershire*, and by him had a Son and Heir that yet liveth. And this, by his Fathers side, but no less alliance hath this Earl also by the side of his Mother, who being Daughter of *George Clifford* Earl of *Cumberland*, by Lady *Eleanor* Niece of King *Henry* the VII. the said Lord *George* had afterward by a second Wife, that was Daughter of the Lord *Dacres* of the North, both the Earl of *Cumberland* that now is, and the Lady *Wharston*, who hereb<sup>e</sup> are Brother and Sister of the half Blood to the said Countess of *Darby*, and the *Dacres* are their Uncles.

*Alliance of the Stanleys.*

*Alliance of the old Countess of Darby.*

Besides all this, the States and Possessions of the two foresaid Lords, are far different, for the purpose pretended, for that the State of the Earl of *Hartford* is far inferior, both for greatness, situation, wealth, multitude of Subjects, and the like: for of that of the *Stanleys* doth depend the most part of the Shires of *Lancaster* and *Chester*, and a good part of the North of *Wales*, at least wise by way of observance and affection,) as also the Isle of *Man*, is their own, and *Ireland* and *Scotland* is not far off, where friendship perhaps in such a case might be offered, and finally in this point of ability great oddes is there seen between the Lords.

*The States of the Lord Leacham and the Earl of Darby.*



Religion of  
the Lords

As for their Religion, I cannot determine what difference there is or may be between them. The Lord *Beacham* by education is presumed to be a *Protestant*, albeit some hold that his Father and Father in Law be more inclined towards the *Puritans*. The Earl of *Darby*'s Religion is held to be more doubtful, so as some do think him to be of all three Religions, and others of none, and these again are divided in judgments, about the event hereof, for that some do imagine that this opinion of him may do him good, for that all sides hereby may, (perhaps,) conceive hope of him, but others do perswade themselves that it will do him hurt, for that no side indeed will esteem or trust him, so as all these matters with their events and consequences do remain uncertain.

The Earl  
of Hun-  
tington.

But now will I pass to speak of the House of *Clarence*, the chief Persons whereof and most eminent at this day are the Earl of *Huntington*, and his Brethren the *Hastings*, for that the *Pooles* and *Barringtons* are of far meaner condition and authority, albeit the other also, I mean the House of *Hastings*, doth not seem to be of any great alliance, for that albeit the old Earl of *Huntington*, this Earl's Father, had two Brethren, the one Sir *Thomas Hastings*, that married one of the Lord *Henry Pooles* Daughters named *Montague*, that was put to death, which Daughter was Sister to this Earl's Mother, and the other named Sir *Edward Hastings* was made Lord of *Loughborough*, by Queen *Mary*, to whom he was first Master of the Horse, and afterwards Lord Chamberlain, neither of them having left issue: and this is all I remember by his Fathers side, except it be his own Brethren, as hath been said, of which Sir *George Hastings* is the chiefest.

Alliance of  
the Earl of  
Hunting-  
ton

By his Mothers side he hath only the *Pooles*, whose Power as it is not great, so what it is, is rather like to be against him than with him, partly for their difference

ference from him in Religion, and partly for preferment of their own Title, upon the reasons before alledged.

By his own Marriage with the Daughter of the late Duke of *Northumberland*, and Sister to the late Earls of *Leicester* and *Warwick*, he was like to have drawn a very great and strong alliance, if the said two Earls had lived, and especially Sir *Philip Sidney*, who was born of the other Sister of the present Countess of *Huntington*, and his own Sister was married to the Earl of *Pembroke* that now is, and himself to the Daughter of Sir *Francis Walsingham* Chief Secretary of the State, by all which means and by all the affection and power of the Party *Puritan*, and much of the *Protestants*, this Earl was thought to be in very great forwardness. But now these great Pillers being failed, and no Issue yet remaining by the said Countess, his Wife, no man can assure himself what the success will be, especially seeing that of the three Bodies of different Religions, before described, it is thought that this Earl hath incurred deeply the hatred of the one, and perhaps some jealousy and suspicion of the other, but yet others do say, (and no doubt but that it is a matter of singular importance, if it be so,) that he is like to have the whole *The Power of London* for him, which City did prevail so much in advancing the Title of *York*, in King *Edward* the IV. his time, as it made him King twice, to wit, once at the beginning, when he first apprehended and put down King *Henry* the VI. and the second time, when he being driven out of the Kingdom by his Brother the Duke of *Clarence*, and *Richard* Earl of *Warwick*, he returned from *Flanders* upon hope of the favour of the *Londoners*, and was in deed received favoured and set up again by them especially, and by the helps of *Kent* and other places adjoining and depending of *London*, and so it may be that the Favourers of this Earl do hope the like success to him in time by this potent City.

For

*The Power of London.*

*Polydor. 24 Holingshed in vita Henrici VI.*

The Houses  
of Britain  
and Portu-  
gal.

For the Houses of *Britanny* and *Portugal*, I shall joyn them both together, for that they are strangers, and the Persons thereof so nigh linked in kindred, affinity and friendship, as both their Titles, Forces and Favours may easily be joyned together, and imparted the one with the other, as to themselves shall best appear convenient.

Infanta of  
Spain.

The Lady *Infanta* of *Spain* pretendet of the House of *Britanny* is eldest Daughter of King *Philip*, as all the World knoweth, and dearly beloved of him, and that worthily, as all men report, that come from thence, for that she is a Princess of rare parts both for Beauty, Wisdom and Piety. The two young Princes of *Parma*, I mean both the Duke and his Brother the *Cardinal*, are Imps in like manner of great expectation, and divers ways near of kin to the said King, for that by their Fathers side they are his Nephews, that is, the Children of his Sister, and by their Mothers side almost as near, for that they are Nephews of his Uncle Prince *Edward* Infant of *Portugal*.

Duke of  
Parma.

The Duke  
of Bragan-  
sa.

In like nearness of Blood are the Dutchets of *Bragansa* and her Children, unto the said King, which Children are many, as hath been shewed, and all of that rare vertue and valour, and of that singular affection unto the *English* Nation, as it is wonderfull to hear what men write from those Parts, and what others do report, that have travelled *Portugal*, and seen those Princes, and tasted of their magnificent liberality, so as I have heard divers rejoyce that are affected that way, to understand that there do remain such Noble Off-spring yet in Foreign Countries of the true and ancient Blood Royal of *England*.

Power of  
foreign  
Pretenders

What the Powers and Possibilities of all these Princes of the House of *Portugal* be, or may be hereafter for pursuing their Right, shall not need to be declared in this place, for that all the World doth know and see the same, yet all seemeth to depend of the Head and Root which is the King of *Spain* himself,  
and

and the young Prince his Son, whose States and Forces how and where they lie, what alliance, friends, subjects or followers they have or may have, it is easy to consider, but what part or affection of men they have or may have hereafter in *England* it self, when time shall come, for the determining of this matter, no man can tell at this present, and what Plots, agreements, compartitions, or other conclusions may be made at that day, time only must teach us, so as now I know not well what to say further in this Affair, but only commend it to God's High Providence, and therefore I pray you, (quoth the Lawyer,) let me end with this only that already I have said, and pardon me of my former promise to put my opinion or guess, about future matters, and what may be the success of these Affairs; for besides that I am no Prophet or son of Prophet, to know things to come, I do see that the very circumstances of Conjecture, (which are the only Foundation of all Prophecy, which in this case can be made,) are so many and variable; as it is hard to take hold of any of them.

Thus he said, and fain would have left off here, but that the whole Company opposed themselves with great vehemency against it, and said, that he must needs perform his promise, made at the beginning of this Speech, to give his censure and verdict in the end, what he thought would be the Success of all these Matters, whereunto he answered, that seeing no way would serve, he briefly quit himself by these few words following.

*First of all, (said he,) my opinion is, that this Affair cannot possibly be ended by any possibility moral, without some War, at least wise, for some time at the beginning, whereof my Reasons be these that do ensue.*

*The first Conjecture that there will be War, and why.*

This matter cannot be disputed and determined during the life of the Queen, that now is, without evident danger of her Person, for the reasons that all men do know importing such perils as are wont to

fo /

follow like cases, of declaring Heirs apparent, especially her Majesty the present possessor growing now to be old, and without hope of Issue.

2. This declaration and determination of the Heir apparent to the Crown, if it should be made now, would move infinite humours and affections within the Realm, and it were to stirr coals and to cast fire-brands over all the Kingdom, and further perhaps also, which now lie raked up and hidden in the Embers.

3. This determination, though it should be made now by Parliament, or Authority of the present Prince, would not end or take away the root of the controversy; for albeit some that should be passed over or put back in their pretences, would hold their peace perhaps for the time present, yet afterward would they both speak and spurn when occasion is offered.

4. This declaration now if it were made, would be hurtful and dangerous for him that should be declared; for on the one side it would put the Prince regnant in great jealousy and suspicion of him; and on the other side would joyn and arm all the other pretenders and their favourers against him: and so we read that of two or three only, that in all our Histories are recounted to have been declared Heirs apparent to the Crown (they being no Kings Children) none of them ever came to reign: as namely Duke *Arthur of Britanny*, *Roger Mortimer Earl of March*, and *John de la Poole Earl of Lincoln*, and *Henry Marquis of Exeter*, as before hath been declared.

Sup. c. 4.

5. Again the multitude of Pretenders being such as it is, and their pretentions so ambiguous, as hath been declared, it is to be presupposed, that none or few of them will presently at the beginning cast away their hope and forego their Titles, but will prove at least wise what friends shall stand unto them, and how matters are like to go for or against them, especially seeing they may do it without danger, no Law being

ing against them, and their Rights and Pretences so manifest, that no man can say they do it of ambition only, or malice, treason, or conspiracy against others, and for this essay or first attempt, Arms are necessary.

Moreover if any man in process of time would forego or give over his Title, (as it is to be imagined that divers will at length, and many must, for that one only can speed,) yet to the end he be not suddenly oppressed, or laid hands on, at the beginning by his adversary party, or made away, as in such cases is wont to succeed it is very likely that each Pretender for his own safety and defence will arm himself and his Friends at the beginning, for that better conditions will be made with armour in hands, than when a man is naked or in the power of his adversary, and no doubt but the more Pretenders shall stand together armed, at the beginning the easier and the surer peace will be made with him that shall prevail, for that they being many with whom he hath to compound, he will respect them the more, and yield to more reasonable and honourable conditions, than if there were but one, and he weak that should resist, for that a fault or displeasure is more easily pardoned to a multitude, and to a potent adversary, than to one or two alone that are of less account. And on the other side, the peril of these other pretenders, that should not prevail, being common to them all, would knit them better together for their own defence, in living under the person that should prevail and reign, and he would bear more regard unto them, as hath been said: and this both for that they should be stronger by this union to defend themselves, and he that reigneth should have less cause to suspect and fear them, to work treason against him, for that they are many, and consequently not so easy to agree between themselves, who should be preferred, if the other were pulled down, which to the person regnant would be also a ground of much security.

These are my Reasons and Conjecturs why it is like that Arms will be taken at the beginning in *England*, before this controversy can be decided.

My *second* Position and Conjecture is, that this matter is not like to come easily to any great or main Battel, but rather to be ended at length, by some composition and general agreement, and my reasons for this be these.

*First*, for that the Pretenders be many, and their Powers and Friends lying in divers and different parts of the Realm, and if there were but two, then were it more probable, that they would soon come to a Battel, but being many each one will fear the other, and seek to fortify himself where his own strength lieth, and especially towards the Ports and Sea-side, for receiving of Succours,

6.

*A consideration so be marked.*

*The second conjecture no main Battel probable.*

1.

## A Conference touching Succession

cours, as easily may be done, by reason of the multitude of Competitors, as hath been said, which will cause that at home the one will not much urge or press the other, at the beginning, but every part attend rather to strengthen than it self for the time.

2.

A *second* Reason of this is, for that the foreign Princes and States round about us are like to be much divided in this matter, some as Pretendents for Themselves or their Kindred and Friends, and others as favourers of this or that Party, for Religion, so as there will not want presently offers of Helps and Succours from abroad, which Succours albeit they should be but mean or small at the beginning, yet will they be of much importance, when the Forces at home be divided, and when there shall be different Ports, Harbours and Holds, ready within the Land, to receive and harbour them, so as I take it to be most likely, that this Affair will grow somewhat long, and so be ended at length by some composition only, and that either by Parliament and General Consent of all Parts pretendents, and of all three Bodies of Religion meeting together by their Deputies, and treat and conclude some form of agreement, as we see it practised now in France, or else by some other means of Commissaries, Commissioners, Legats Deputies, or the like, to make the conclusion with every Party asunder.

*The third  
Conjecture  
who is  
likest to  
prevail.*

My third and last conjecture, (and for a meer conjecture only, I would have you to hold it,) that seeing there be two sorts of pretendents, which stand for this Preferment, the one *Strangers*, the other *Englist*, my opinion is, that of any one Foreign Prince that pretendeth, the *Infanta* of Spain is likest to bear it away, or some other by her Title, laid upon him by her Father the Kings good will, and on the other side, of any *domestical Competitors*, the second Son of the Earl of *Hartford*, or of the Issue of Countess of *Darby*, carrieth much shew to be preferred.

*For the In-  
fanta of  
Spain.*

My *Reasons* for the former part, about the Lady *Infanta*, are, that she is a Woman, and may easily join, (if her Father will,) the Titles of *Britany* and *Portugal* together, she is also unmarried, and by her Marriage may make some other composition, either at home or abroad, that may facilitate the matter, she is a great Princess and fit for some great State, and other Princes perhaps of Christendom would more willingly yield and concur to such a composition of Matters by this Lady, and by casting all Foreign Titles of *Britanny* and *Portugal* upon her, then that the King of Spain should pretend for himself, and thereby encrease his Monarchy, which other Princes his Neighbours, in reason of State, would not so well allow or bear.

In *England* also it self if any Party or Person be affected that way, he would think hereby to have the more reason, and if any be against

against Strangers, some such moderation as this would take away much of this aversion, as also of Arguments against it: for that hereby it seemeth that no subjection could be feared to any Foreign Realm, but rather divers utilities to the Realm of *England* as these men pretend by the reasons before alledged in the precedent Chapter:

I said also, that this Lady *Infanta*, or some other by her Title and her Fathers good will, was likest of all Strangers to bear it away, for that if she should either dye or be married in any other Countrey, or otherwise to be disposed of, as her pretence to *England* should be disenabled before this Affair came to be tried, then may her said Father and she, if they list, cast their foresaid Interests and Titles, (as divers men think they would,) upon some other Prince of their own House and Blood, as for example, either upon some of the Families of *Parma* or *Bragansa* before mentioned, or of the House of *Austria*, seeing there wanteth not many able and worthy Princes of that House, for whom there would be the same reasons and considerations to perswade their admission by the *English*, that have been alledged before for the *Infanta*, and the same utilities to the Realm, and motives to *English*-men, if such a matter should come in consultation, and the same Friends and Forces would not want abroad to assist them.

For the second part of my *Conjecture* touching the Earl of *Hartford's* second Son, or one of the Countess of *Darbyes* Children, my Reasons be, *First*, for that this second Son seemeth to be cleared in our former Discourse of that Bastardy that most importeth, and nearest of all other lieth upon those Children, which is for lack of due proof of their Parents Marriage, for which defect they do stand declared for illegitimate by publick sentence of the Archbishop of *Canterbury*, as before hath been declared, from which sentence this second Son is made free, by the arguments before alledged, and therein preferred before his elder Brother.

For the  
Earl of  
Hartford's  
second Son.  
1.  
Sup. c. 6.

And *secondly*, for that this younger Son is unmarried, for any thing that I do know to the contrary, which may be a point of no small moment in such an occasion, as hath been noted divers times before, for joining or fortifying of Titles by Marriage, and for making of compositions of Peace and Union with the opposite Parties. And *finally*, for that this second Son, being young, his Religion is not much talked of, and consequently every Party may have hope to draw him to their side, especially he being also free, as I have said, to follow what he shall think best, or most expedient for his own advancement, without knot or obligation to follow other mens affections or judgments in that point, as he would be presumed to be, if he were married, or much obliged to any other Family.

2.  
  
3.

I do



For the  
Children  
of the  
Countess of  
Darby.

1.

2.

Garibay

l. a 5. c. 36

Polydor

in rit.

Steph.

3.

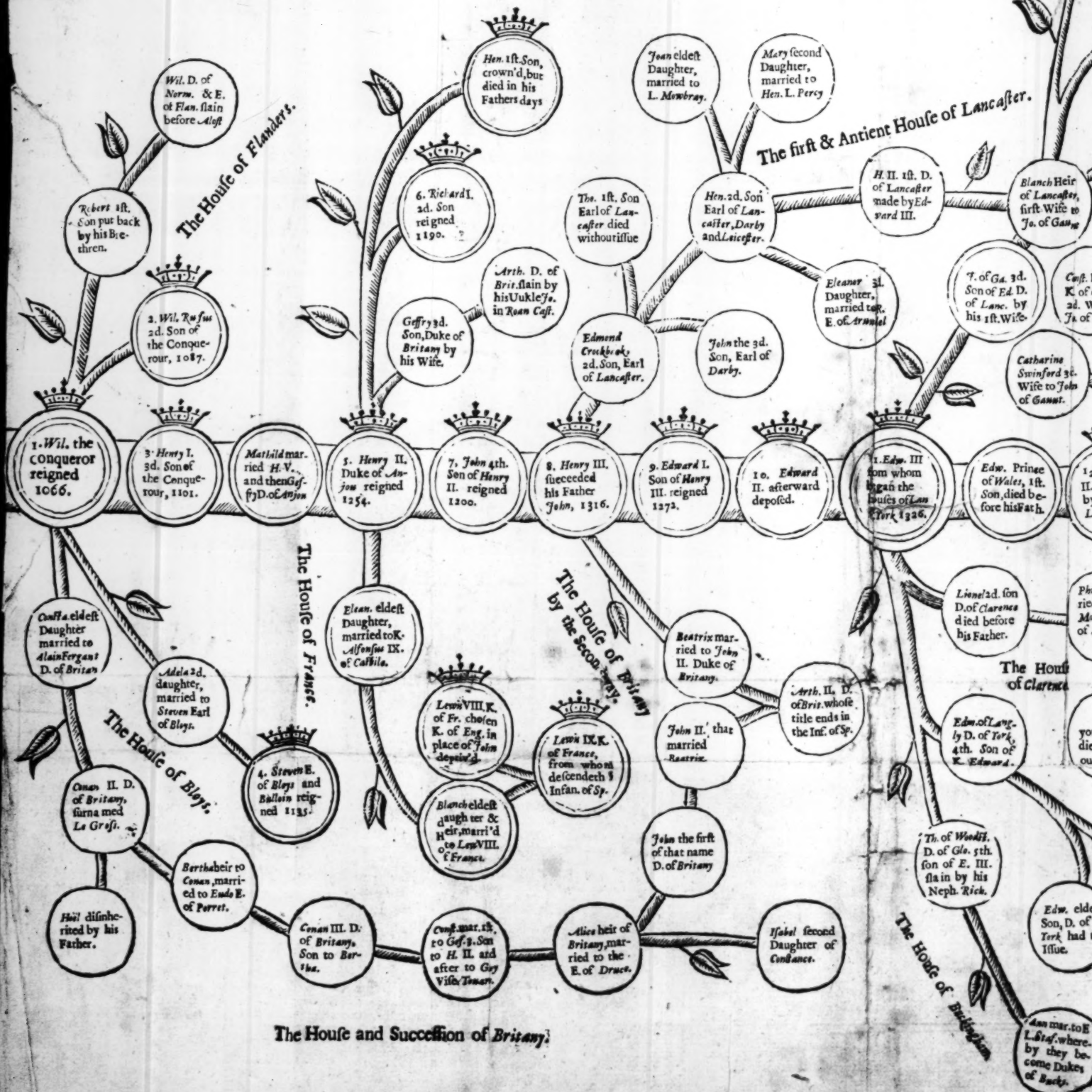
I do name also in this *second Point*, the Children of the Countess of *Darby* first, for that in truth the probabilities of this House be very Great, both in respect of their Descent, which in effect is holden as it were clear from Bastardy, as before hath been shewed, and then again for their nearness in degree, which by the Countess yet living is nearer to King *Henry* the VII. by one degree, than any other Competitor whatsoever. *Secondly*, I do name this Countess Children, and not her self, for that I see most men that Favour this House, very willing and desirous that some of the said Countess Children should rather be preferred than she her self, and this for that she is a Woman, and it seemeth to them much to have three Women reign one after the other, as before hath been noted, so as they would have her Title to be cast rather upon one of her Children, even as upon like occasion it hath been shewed before, that the *Spaniards* caused the Lady *Berenguela* Niece to King *Henry* the II. to resign her Title to her Son, when she should have succeeded by nearness of Inheritance, and as a little before that, the State of *England* did after King *Stephen* unto King *Henry* the I. his Daughter *Maude* the Empress, whom they caused to pass over her Title to her Son *Henry* the II. though her own Right should have gone before him by nearness of Succession as also should have done by *Orderly Course of Succession*, the Right, of *Margaret*, Countess of *Richmond*, before her Son King *Henry* the VII. as before hath been proved, but yet we see that her Son was preferred, and the like would these men have to be observed in the Countess of *Darby*.

*Lastly*, I do name the Children of this Countess in general, and not the Earl of *Darby* particularly above the other, though he be the eldest, for two respects; *First*, for that his younger Brother is unmarried, which is a circumstance whereof divers times occasion hath been offered to speak before, and therefore I need to add no further therein. And *secondly* for that divers men remain not so fully satisfied and contented with the *Course* of that Lord hitherto, and do think that they should do much better with his Brother, if so be he shall be thought more fit, yet are these things uncertain, as we see, but notwithstanding such is the nature and fashion of man, to hope ever great matters of Youths, especially Princes. *God send all just Desires to take place*: and with this I will end, and pass no further, hoping that I have performed the effect of my Promise made unto You at the beginning.

FINIS.

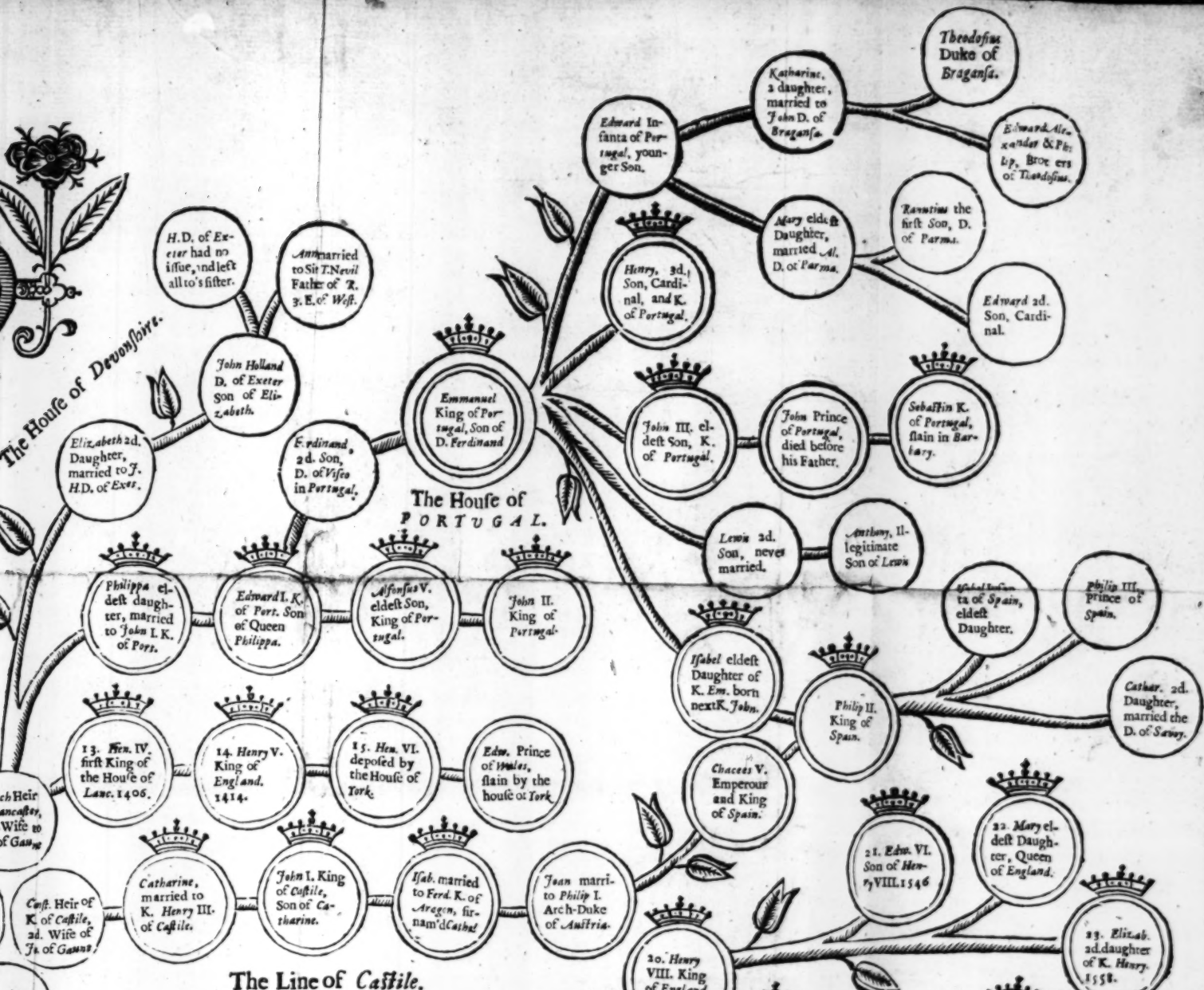


**T**He Antient Houses of the Blood-Royal of England, are the House of Lancaster, that bears the *Red Rose*; and the House of York, that bears the *White*: And then the House of *Britany* and *France* joyn'd in one. And out of these are made Five particular Houses; which are the House of *Scotland*, of *Suffolk*, of *Clarence*, of *Britany*, and of *Portugal*; And there are 12 different Persons that by way of Succession do pretend each one of them to be next after Her Majesty that now is, as by the Book appears.





# The House of Devonshire.



## The Line of Somerset, and of K.H.7.

### The Uniting of York and Lancaster.

